United Nations S/2003/792

Security Council

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Letter dated 30 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the peace process in Liberia issued on 28 July 2003 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy to the United Nations

03-45138 (E) 060803

Annex to the letter dated 30 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the peace process in Liberia issued on 28 July 2003 by the Presidency of the European Union on behalf of the European Union

The European Union condemns the repeated violations of the ceasefire agreement signed in Accra on 17 June 2003, as a major impediment to the successful conclusion of the peace process and a cause of untold sufferings for the civilian population.

The European Union urges the Government of Liberia and the rebel groups LURD and MODEL to sign without delay a comprehensive peace agreement in the framework of the ECOWAS-led peace talks due to resume in Accra on Monday, 28 July. It calls on all parties to rise above their narrow interests and to face the challenge of forging a true partnership for the reconstruction of a stable and democratic Liberia.

The European Union calls attention to the gravity of the humanitarian situation in Liberia and the urgent need to provide assistance. It reminds the signatories of the ceasefire agreement of their obligation to respect international humanitarian law, respect human rights, ensure that humanitarian initiatives are protected and allow unimpeded access to territory under their control for humanitarian actors.

The European Union stresses the importance of the earliest possible deployment of the interposition/international stabilization force. This must be accompanied by President Taylor's immediately stepping down.

The European Union stands ready to consider support for such a force.

The European Union calls on Liberia's neighbouring States to refrain from any action that might be construed as supporting or otherwise encouraging the continuation of the armed conflict.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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5 August 2003

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Report of the Secretary-General in pursuance of paragraph 19 of resolution 1478 (2003) concerning Liberia

I. Introduction

1. In paragraph 17 of its resolution 1478 (2003) of 6 May 2003, the Security Council decided that, effective 7 July 2003, all States should take the necessary measures to prevent, for a period of 10 months, the import into their territories of all round logs and timber products originating in Liberia.

2. In paragraph 19 of the resolution, the Security Council requested the Secretary-General to provide, by 7 August 2003, a report on the possible humanitarian or socio-economic impact of the measures imposed by paragraph 17 of the resolution. The present report is submitted pursuant to that request.

II. Procedure and methodology

3. The two main challenges associated with undertaking assessments of the potential humanitarian and socio-economic effects of sanctions are (a) to establish the current status of humanitarian and socio-economic conditions in the sanctioned country; and (b) to separate the effects of sanctions from those of other factors. Both of those challenges were particularly acute for the present assessment given that the ongoing conflict in Liberia — in particular the upsurge in fighting since March 2003 — represents the dominant factor affecting the humanitarian and socio-economic situation in the country. Moreover, the prevailing security situation precluded access to Liberia for the purpose of assessing current conditions, and limited direct communication with interlocutors in Liberia.

4. Given these difficulties, and the fact that the timber sanctions came into effect only on 7 July 2003, the present assessment must be viewed as a preliminary evaluation of the potential impact of the restrictions on Liberian timber. It is based on secondary sources of data, and on remote discussions with a broad range of actors, including United Nations agencies; Liberian citizens; trade associations or organizations and non-governmental organizations. Secondary data sources included selected Government of Liberia agencies and ministries. These sources must be treated with caution, however, given the overt inconsistencies in the data, and questions regarding the reliability and integrity of reported statistics.

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5. The procedure for undertaking this assessment included the following steps: (a) a review of existing literature and data from secondary sources; (b) compilation of a list of survey questions; (c) engagement with a broad range of actors to request information on economic and humanitarian conditions in Liberia; (d) distillation of the information from the literature review and survey responses; and (e) analysis of the impact of timber sanctions on humanitarian and socio-economic conditions.

6. The methodology used for this assessment employs humanitarian and socio-economic indicators from relevant sectors (health, food and nutrition, education, economic status, governance and demography) to assist in identifying the causal links between sanctions and conditions of life in Liberia, and to track changes in those conditions. The indicators were chosen on the basis of criteria including availability of data; reliability of sources; the responsiveness of the indicators to changes over a period of time; and their proximity to possible unintended consequences of the sanctions. In addition, a "scenario testing" approach was used to assist in separating the potential effects of sanctions from the effects of the conflict.

7. Various efforts were made to compensate for the lack of direct access to the region, including in-depth telephone or electronic interviews and communications, and discussions with actors having direct and recent experience of conditions in Liberia. Ongoing consultations with the United Nations country team for Liberia, in particular, provided up-to-date information on humanitarian conditions and data on recent trends in economic conditions.

III. Present situation in Liberia

Economic and social conditions

8. The rapid post-war economic growth experienced by Liberia during 1997-2000, with annual growth rates between 20 and 30 per cent, slowed sharply in 2001, and during 2002 there was a significant decline in the economic situation and the standard of living of rural and urban households. Estimates made by the Economist Intelligence Unit from June 2003 point to growth in Liberia's real gross domestic product (GDP) of 5.3 per cent in 2001 and contraction of GDP by 5 per cent during 2002. If the conflict continues the Economist Intelligence Unit predicts that GDP could continue to contract by 10 per cent during 2003-2004.

9. According to International Monetary Fund (IMF) estimates, Liberia's GDP was US$ 561.8 million, or $169.20 per capita, in 2002 (at current prices), and although this represents an increase compared to 1998 ($359.6 million), it nonetheless constitutes only 45.9 per cent of pre-war (1987) GDP. Liberia has a national debt burden in excess of $2.8 billion and is therefore unable to generate the required resources domestically and internationally to revive the economy to pre-war levels.

10. Government expenditure for fiscal year 2000/01 was $82.5 million, and fell to $78.6 million for fiscal year 2001/02, while budgeted expenditure for 2002/03 was $70 million. The tight fiscal constraints have resulted in significant arrears in payment of salaries (reported as eight months in December 2002) for most of the 57,000 government employees, who constitute 46 per cent of formal sector employees, and serious reductions in basic social services. Government spending in the health and education sectors for 2002 was budgeted at $2.7 million and

$2 million, respectively. Given that official estimates of government revenue amounted to only 35 per cent of projected revenue for the first six months of 2003, it is unlikely that the Government is now in a position to provide any funding for even the most basic social services.

11. With a total population of 3.3 million (UNFPA, 2002), Liberia has an estimated available labour force of 1.05 million. However, just over 123,000 people were employed in the formal economy (public and private sectors) at the end of 2001, 507,000 more being engaged in activities in the informal sector, mostly petty trading. This points to an increase in formal sector unemployment from an estimated 85 per cent in 1997/98 to 88.3 per cent by January 2002. Further evidence of entrenched poverty in Liberia is reflected in the fact that an estimated 76.2 per cent of the population exists on less than $1 per day.

12. The volatile situation in the country has also resulted in a continuing increase in the general price level of essential commodities in the Liberian economy thereby depreciating the real value of the Liberian dollar. The average currency exchange rate was 48.6 Liberian dollars to one United States dollar in 2001, 61.8 in 2002, and 75 to 80 in mid-June 2003. Average annual consumer price inflation rose from 2 per cent in 1999 to 20 per cent in 2002, while the increased fighting in Monrovia in June 2003 resulted in reported increases in prices of food staples of between 50 and 200 per cent.

Humanitarian conditions

13. Liberia is in the midst of a humanitarian crisis of immense proportions and the situation continues to deteriorate with the ongoing hostilities and the chaos that reigns in the capital Monrovia. At present there are at least 350,000 internally displaced persons in the vicinity of Monrovia. Many of them have fled violence two or three times in the past few months. The internally displaced persons are scattered among at least 90 impromptu settlements around the capital without access to clean drinking water, proper shelter or sanitation facilities. As a result, diseases such as cholera and malaria are on the rise, particularly among children.

14. Humanitarian activities in Liberia have experienced severe constraints for more than a year because of insecurity, and there has been only limited or sporadic access to vulnerable populations. Since March 2003 humanitarian access has been further restricted to approximately 20 per cent of the country, which means that the large majority of Liberia's population cannot receive any humanitarian assistance. This situation has deteriorated still further since the fighting in Monrovia during the month of June. Although there are substantial food reserves in Monrovia, insecurity has hampered food distribution and cash shortages have limited the commercial availability of food. As a result there are reports that malnutrition, particularly among children under 5, is on the rise because the environment is simply not safe enough for any sustained humanitarian operations. Humanitarian agencies are able to provide water and sanitation services to only a fraction of the internally displaced population.

15. In and around Monrovia, looting and robbery are widespread. Reports of human rights violations, including sexual violence and abuse, are persistent and residents in the makeshift camps complain of continued harassment by armed groups. Desperate people are unable to forage for food because they fear for their lives.

16. The resumption of fully-fledged humanitarian activities even within the capital will depend on the deployment of a robust stabilization force whose mandate would be not only to ensure the enforcement of the ceasefire but also to protect the civilian population and re-establish the conditions for sustained and safe delivery of effective humanitarian assistance.

17. The current humanitarian situation represents a precipitous decline in living conditions, which had already exhibited downward trends early in 2002. The underlying humanitarian environment prior to the upsurge in fighting was characterized by physical insecurity, widespread poverty, recent large population flows, poor access to adequate water and sanitation, food insecurity, and minimal healthcare services. These factors have conspired to accentuate the impact of the fighting.

18. The underlying situation at the national level is best captured by composite indicators such as the UNDP Human Development Index, which measures average achievements in human development on the basis of life expectancy, educational attainment, and standard of living on a scale of zero to one. The Index for Liberia was calculated by UNDP Liberia to be 0.3131 for 2001/02, compared to 0.325 a decade previously, placing Liberia among the poorest and least developed countries in the world. By comparison, the aggregate Human Development Index for all of sub-Saharan Africa in 2001 was 0.468, while Norway ranked highest that year with an index of 0.944. Another indicator, the under-5 mortality rankings compiled by UNICEF, placed Liberia at number 5 out of 193 countries or territories (rank 1 represents the highest under-5 mortality rate) in 2001. The under-5 mortality rate in 2001 was 235 per 1,000 live births, while the reported maternal mortality rate was 580 per 100,000 live births. Life expectancy at birth in 2001 was 41.5 years, and the adult literacy rate was 54.8 per cent (age 15 and above).

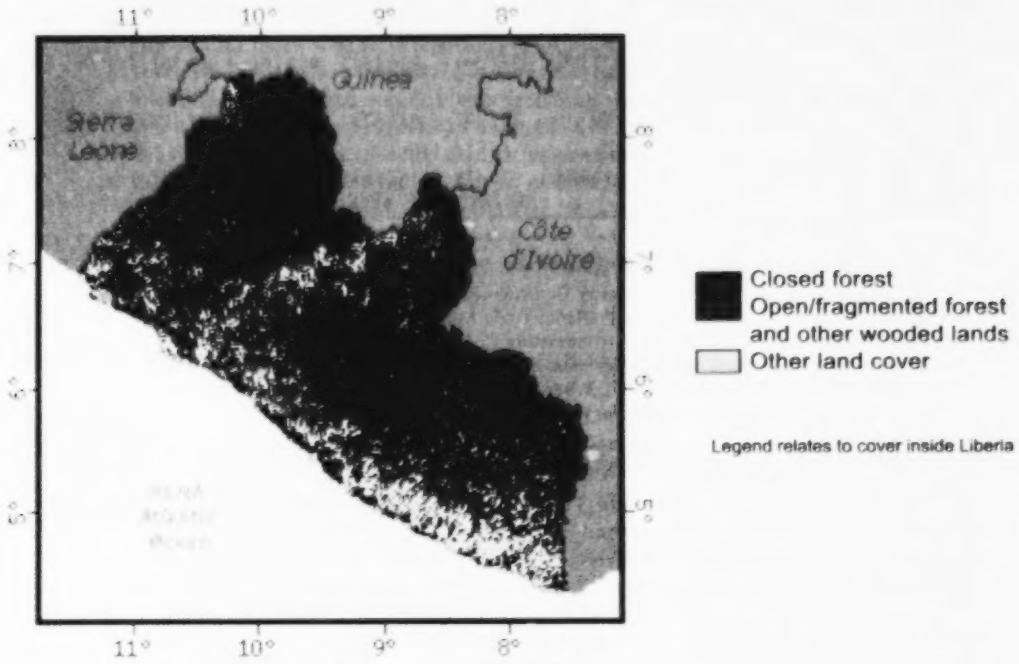
19. While there is insufficient data to establish precise trends in recent years, these indicators of underlying living conditions, even prior to the recent fighting, project the image of an already impoverished population. Moreover, general trends can be captured by qualitative information gathered by humanitarian agencies over the past 18 months, which points to increases in prices of basic food items, reduced access to healthcare services, and increased food insecurity; an estimated 35 per cent of the population is undernourished.

IV. Role of the timber industry in Liberia

Overview

20. Forests in Liberia constitute approximately 45 per cent of the remaining Upper Guinea Forest, which spans 10 West African States from Guinea to Cameroon. Depending on forest classification and data source, forest cover in Liberia was variously assessed as between 31.3 and 50 per cent of the total territory of Liberia in 2000. The forest areas, and logging activities, are located primarily in the north-west and south-east areas of the country (see figure 1).

Figure I
Map of forest cover in Liberia



Source: Adapted from FAO Forest Resource Assessment 2000 map.

21. Three types of products are derived from Liberia's forests, namely, industrial roundwood (round logs), sawn timber and woodfuel. Industrial roundwood of various species is produced primarily for export. The domestic market for timber in Liberia accounts for only a very small percentage of the total combined industrial roundwood and sawn timber consumption. The reported production of industrial roundwood and sawn timber in 2002 was 1,363,861 m^3 and 30,000 m^3, respectively. Woodfuel is used primarily for domestic energy needs.

22. The production of industrial roundwood was constrained during the civil war of 1989-1996 and has increased greatly since 1997. According to reports of the Government of Liberia Forestry Development Authority, production for the years 1997 to 2002 (inclusive) totalled 3,865,930 m^3, rising from 74,976 m^3 at the beginning of the reporting period to 1,363,861 m^3 in 2002 (see table). Several organizations monitoring the Liberian timber industry maintain however that these official figures understate the actual volume of the production.

Comparison of Liberia timber production and export (1997-2002)

	1997	*1998*	*1999*	*2000*	*2001*	*2002*
Industrial roundwood production (m^3)	74 976	157 098	353 543	934 160	982 292	1 363 861
Industrial roundwood export (m^3)	49 463	80 646	207 472	637 401	773 613	981 123
Timber export (FOB value, millions of United States dollars)	7.526	12.288	23.419 (37.236*)	67.505 (106.798*)	79.884 (103.679*)	146.473*

Note:

Please refer to text for details on the variability and reliability of data.

Production, export volumes and Forestry Development Authority export values are for industrial roundwood (round logs) only. Global Trade Atlas (GTA) data for timber export includes "Wood and articles of wood" (Commodity Code HS 44).

Source: All Forestry Development Authority data, except figures marked with an asterisk, which are Global Trade Atlas data (July 2003). Where both Forestry Development Authority and Global Trade Atlas data are available for the same year, GTA data is included in parentheses.

23. The 2001 annual report of the Forestry Development Authority listed 26 companies active in the production and export of round logs during that year. The Oriental Timber Corporation is the largest and most modern operator. It dominated the Liberian timber industry in terms of production, export and processing from the time the company was awarded two large logging concessions totalling 1.6 million hectares in 1999 (equivalent to one third of the natural forest cover), until April 2003. In May 2002 the United Kingdom-based non-governmental organization, Global Witness, reported that the number of active logging companies had been reduced or consolidated to 14. The reduction in logging activities was reflected in the overall reduction in foreign direct investment in Liberia, of which timber sector investment was a key component, from $27 million in 1999 to an estimated $2.8 million in 2002.

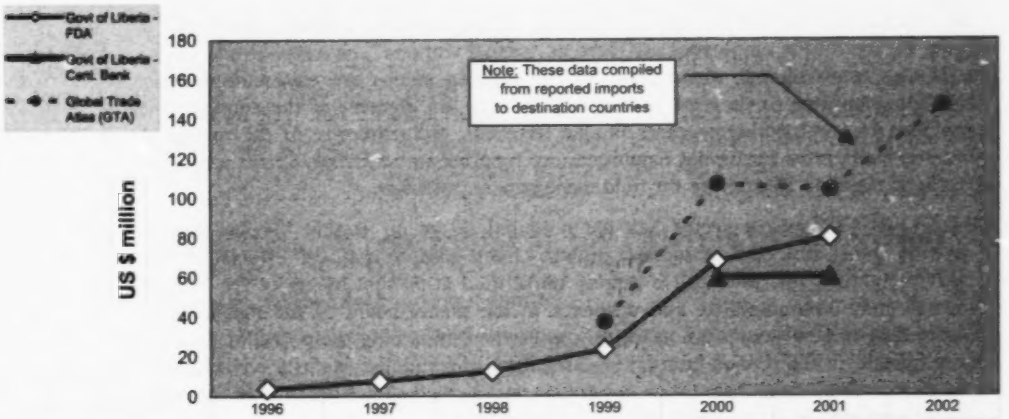
24. The continuing deterioration of the security situation in Liberia since the second half of 2002 has forced the logging industry to scale down its operations. Initially the constraints affected only the north and north-west of the country, primarily Lofa County, but since April 2003, they have also affected the south-east. Media reports quoting the spokesperson for the Oriental Timber Corporation reported on 1 May 2003 that the company had suspended all its logging operations because of insecurity; shortly after, logging activities in the south-east ceased almost completely when rebel forces seized the key seaports of Greenville and Harper.

Economic profile of the Liberian timber industry

25. Liberia's main export commodities in recent years have been round logs, rubber, cocoa beans and coffee. According to IMF, the forestry and logging sector accounted for 25.9 per cent of GDP, and 57.7 per cent of export revenue, in 2002, although these figures do not reflect the inconsistencies in the reported data outlined below.

26. Data for export revenues derived from Liberian timber exhibits internal (within the Government of Liberia) and external (comparisons with external sources) inconsistencies. According to the Forestry Development Authority, revenue for the export of round logs in 2001 totalled $79.884 million, while the Ministry of Finance and Central Bank of Liberia reported export revenue as $60.273 million for the same year. On the basis of imports of Liberian timber compiled from 24 reporting countries or territories during 2002, data from the Global Trade Atlas (July 2003) points to timber export revenue of $146,473,070. Moreover, in a report of the Panel of Experts on Liberia (S/2001/1015) it is asserted that export revenues for Liberia were likely to have been understated in official figures by as much as 50 to 200 per cent. Given these uncertainties in the data, it is reasonable to assume that Liberian timber export revenues for 2002 were at least $146 million, and possibly as much as $180 to 200 million. Data on export revenue from various sources is presented in figure 2.

Figure 2
Comparison of export revenue data for Liberian timber, various sources



	1996	1997	1998	1999	2000	2001	2002
Govt of Liberia - FDA	3.76	7.53	12.29	23.42	67.51	79.88	
Govt of Liberia - Cent. Bank					59.50	60.27	
Global Trade Atlas (GTA)				37.24	106.80	103.68	148.47

Employment in the timber industry

27. There are important discrepancies in the data on the workforce in the Liberian timber industry. The Ministry of Labour of the Government of Liberia reported combined employment in the agriculture, forestry and fishing industries as 9,945 in 2001, down from 11,700 in 2000. Speaking in Monrovia on 1 July 2003, the Minister of Finance, Charles Bright, asserted that the logging companies had employed 20,000 people. Using sources close to the Liberian timber industry, Global Witness reported that total employment in the Liberian logging industry was 5,478 in May 2002 and 4,688 in March 2003. Furthermore, early in 2003 the Oriental Timber Corporation asserted that the company employed 5,500 people. Three separate sources interviewed for this assessment suggested that the total average employment in the Liberian timber industry during 2002 and early in 2003 was 8,000.

28. Given the disparities among sources of data, it is not possible to identify the precise number of persons directly employed in the timber industry. It can reasonably be assumed, however, that the average employment level falls in the range of 5,000 to 8,000. This estimate does not reflect the annual reduction in employment in the industry during the rainy season (July-September), and also does not account for the reduction in employment when logging activities are constrained by fighting. In the months preceding the recent reduction in logging in May 2003, the level of employment was probably at the lower extreme of this range because of fighting between government forces and LURD in Lofa County/north-west Liberia in March, and MODEL advances in the south-east in April 2003.

29. Employment in the timber industry includes Liberian citizens and expatriates, the latter group comprising mostly Asian workers and workers from neighbouring countries. Notwithstanding the variations in the reported number of total employees, there appears to be broad agreement that the number of expatriate employees in the Liberian timber industry is between 1,500 and 1,750. For the range of total employees specified above (5,000-8,000), this represents between 20 and 32 per cent of the timber workforce.

30. Organizations that actively monitor the timber industry in Liberia report that a large number of the employees are hired as "casual workers", on a day-to-day basis. It is also reported that, since many of the logging camps are transient, shifting location according to the area in which they work, an element of the employment provided to local timber workers is also transient, and primarily of the unskilled variety. Daily rates for timber employees are reported to be $1.5 to $2 for unskilled workers, rising to $5 or more for field management positions.

31. Liberia's forestry sector has the potential to be an engine for sustainable revenue generation and economic growth. Even discounting the effects of the current fighting, this potential is largely unfulfilled at present owing to the lack of transparency, accountability and diligence in the management of the resource. In responding to a survey question for this assessment regarding the potential level of employment in the timber industry — assuming a conducive security environment and sustainable forestry practices — persons interviewed suggested that the industry could support at least 8,000 to 10,000 employees with the current level of infrastructure, and possibly as many as 20,000 employees with additional investment in timber processing plants.

Humanitarian and social influence of the timber industry*

32. It is evident that the timber industry has had both positive and negative consequences for social and humanitarian conditions in Liberia. The positive humanitarian and social effects of the timber industry have been (a) to provide employment for Liberians, including ex-combatants; (b) to support budgetary expenditure of the Government by contributing to government revenue (see below); (c) to provide indirect employment in sectors supported by the timber industry (for example, for port workers, petty business and service industries); (d) to stimulate demand in local markets by increasing the availability of disposable income among a small percentage of the population; and (e) to provide limited infrastructure such as roads, which in turn gives local communities access to non-local markets.

* There are important potential impacts of logging and reforestation on the sustainability of the sector and the ecology of the Liberian environment, but the present assessment had neither the mandate nor the expertise to explore and elaborate on these long-term issues.

33. The negative humanitarian and social effects of the timber industry include (a) rapid destruction of Liberia's forest resources, a key national economic asset, because of overexploitation and uncontrolled logging practices; (b) disruption of traditional forest-dwelling communities; (c) reported deplorable and even dangerous working conditions for timber workers; (d) reported sexual exploitation of women and teenage girls in communities surrounding logging camps; and (e) the provision of direct access to previously remote forest areas, which has resulted in a sharp increase in commercial hunting.

34. Furthermore, it has been alleged that certain actors involved in the timber industry have actively supported armed groups engaged in the conflict, whether by providing transport for or actual weapons; by providing funding to parties to the conflict; or by supporting independent militia groups. This raises questions regarding the role of the timber industry which have yet to be fully investigated. Moreover, the Panel of Experts on Liberia found that some of the timber companies active during 2001 were directly involved in violations of sanctions imposed by Security Council resolution 1343 (2001) (see S/2001/1015).

35. Several survey respondents independently confirmed the assertion that the logging industry does indeed represent an important source of employment in rural areas of Liberia, but that the primary benefits afforded to rural communities were the provision of road access, markets for their goods and some limited social services. At least two logging companies were reported to provide such limited social services. The Oriental Timber Company provided fee-based healthcare for workers, and support for the Buchanan hospital, and the Maryland Wood Processing Industries provided a school and clinic in Grebo National Forest.

V. Implications of restrictions on the Liberian timber industry

Separating timber sanctions and conflict

36. A critical element of this preliminary assessment of the impact of the ban on Liberian timber is the determination of the specific implications of the measures, as distinct from other factors influencing the conditions in Liberia. Given the recent changes in the intensity of the conflict, and its direct consequences for the humanitarian and economic conditions, the impact of the sanctions must be assessed taking into account this variability in underlying conditions.

37. One way to separate the impact of the sanctions from the impact of the fighting is to consider four scenarios: (a) fighting and sanctions (current conditions); (b) fighting and no sanctions (April 2003); (c) no fighting and sanctions; and (d) no fighting and no sanctions (2001, early 2002).

38. Under the current conditions ("fighting and sanctions"), the activities of the Liberian timber industry face the double constraints of insecurity and sanctions, either one of which is sufficient to preclude logging and subsequent export of timber products. Towards the end of April 2003, prior to the imposition of sanctions ("fighting and no sanctions"), logging activities were being curtailed significantly and were eventually halted as a result of the advances by rebel groups and the intensity of the conflict. Thus logging ceased because of insecurity, even when no sanctions were in place. Therefore, in situations where the intensity of the conflict

precludes or severely constrains logging activity, the humanitarian or socio-economic effects of the timber ban will be negligible.

39. Given that the conflict in Liberia brought the logging activities to a halt, it is not yet possible to demonstrate any measurable impact on the timber industry of the timber sanctions in force since 7 July 2003. Therefore, the analysis that follows explores what would be the impact of sanctions if the security situation permitted some level of logging activities ("no fighting and sanctions"). This is not the current situation in Liberia, but this approach is intended to assist in determining the impact of timber sanctions as the underlying conditions evolve.

Economic impact of restriction on timber

40. When logging activities are not already precluded by insecurity, timber sanctions will have an impact on economic activities at two levels, relating to the economic status and governance sectors employed in the methodology: (a) the national, macroeconomic level; and (b) the community and household level.

41. **National, macroeconomic level**. Previous sections of this report have highlighted the contribution of timber revenues to GDP and export earnings. In terms of government revenue, the timber industry paid $8.4 million to the Government of Liberia in 2001, and an estimated $13 million in 2002. The elimination of this source of revenue would have constituted a 12 per cent and an 18 per cent reduction in government revenue for 2001 and 2002, respectively.

42. **Community and household-level**. Timber sanctions will cause the loss of 5,000 to 8,000 jobs in the timber industry. However, many of the timber workers are casual workers, who work on short-term contracts and experience seasonal variation in their employment. In a worst case scenario (highest number of total employees; lowest number of expatriates), the domestic workforce of 6,500, representing 5.3 per cent of those employed in the formal sector, would lose their jobs. It is highly unlikely that those workers would be able to secure alternative employment in the formal sector. Since each employed person has an average of nine dependants, the timber sanctions will therefore remove a key avenue of economic support for up to 58,500 Liberians (1.77 per cent of the total population). A large portion of the timber workforce is reported to be ex-combatants, but this status cannot automatically be assumed to mean that these individuals do not also have dependants.

43. The timber industry also created secondary employment opportunities in the logging and ports areas where the companies operated. These were mostly small businesses run by the local population to serve the timber or port workers. The secondary activities are likely to be severely curtailed, and a large number of people engaged in such activities are expected to move to the already overcrowded area of Monrovia in search of jobs.

Humanitarian and social impact

44. Timber sanctions will affect humanitarian and social conditions in the sectors of health, food and nutrition, education and demography. In the health sector, timber sanctions will eliminate the limited healthcare that was provided by some of the logging companies (see para. 35). To the extent that the Oriental Timber Company supported activities at the company-built hospital in Buchanan, and will continue or

resume this support if fighting ceases, any such services will be eliminated as a result of sanctions. The number of beneficiaries of that facility is not known, however. Timber sanctions will also eliminate the limited infrastructure-related support provided by the logging companies, especially with regard to road construction. This has the potential to reduce access by and to rural communities. Because State-delivered social services are practically non-existent, the timber sanctions will not have a significant negative impact on publicly funded health services.

45. In the food and nutrition sector, the timber sanctions will probably result initially in reduced food security at the household level for the timber employees and their dependants affected by the ban. At least some of the unemployed workers will however revert to subsistence farming and this will reduce the medium-term impact on household-level food security. The increased level of unemployment is likely to also have an impact on the education sector and affect levels of school attendance by child dependants of unemployed timber workers. As for the demographic indicators affected, it is likely that changes in household composition will result as the remaining formal sector employees may be forced to support more dependants.

46. According to some organizations that observe the Liberian timber industry a large number of the timber workers are ex-combatants, mainly from the Liberian army. In the absence of compensatory employment or a comprehensive disarmament, demobilization and reintegration programme, there exists the risk that these former combatants will again take up arms and rejoin the warring parties.

47. To the extent that the timber sanctions might deny opportunities to the parties to the conflict to secure sources of revenue, sanctions will make it more difficult for those groups to sustain their fighting activities. It is therefore important to mention the possible positive impact that the timber sanctions might have on reducing the sustainability of the conflict, and hence also on the humanitarian and social conditions in the country. This assertion however requires long-term monitoring and assessment before it can be further substantiated.

VI. Observations

48. This assessment has determined that the timber sanctions on Liberia will have an impact on humanitarian and socio-economic conditions in the country only when the security environment does not already preclude timber export. It is clear that a newly reconstituted timber sector in Liberia — built on pillars of accountability and transparency — could be a driving force for economic growth and sustainable development in the country. This, however, will be feasible only in the absence of widespread conflict. In this regard, the current sanctions may actually provide the necessary breathing space to facilitate the reorientation of the industry. Moreover, it is in the context of a restructured timber industry and a conducive security environment that alternative sources of economic revenue such as rubber production or cash crop cultivation, could be encouraged. Such diversification would serve both to reduce Liberia's dependency on the timber industry and ensure that the timber sector does not re-emerge as a magnet for militia groups and exploitative corporations. The concluding paragraphs of this report explore possible options to mitigate this potential and conditional impact.

49. The development of an appropriate exemption procedure should be considered, and possible options could include (a) exemption for specified processed timber products which provide substantial value domestically, for example in terms of employment; or (b) exemption for round logs and sawn timber produced by listed companies which are pre-approved and whose logging policy and accounting practices are independently monitored.

50. Further possible exemptions to the current timber ban should be explored in line with the recommendations developed as part of the Stockholm Process, the Swedish initiative to enhance the effectiveness of targeted sanctions. These recommendations include processes of certification, as in the Kimberley Process, and listing of approved traders.

51. The feasibility of establishing a mechanism to allow the sale of Liberian timber under externally managed and audited conditions should also be considered. Timber approved for export under such conditions should require a certificate of origin, indicating the commercial entity that was responsible for extraction and processing. Obviously such a procedure would require an important administrative effort and substantial financial sources. Comprehensive considerations would therefore be required to explore this option further. The discussion of this option could benefit from experiences in the implementation of the humanitarian programme in Iraq established pursuant to Security Council resolution 986 (1995), and the diamond certification scheme developed under the Kimberley Process.

52. In addition to possible exemptions to the timber sanctions, specific humanitarian and development programmes should be developed that assist in mitigating the humanitarian and socio-economic impacts of the timber ban. The international donor community should be encouraged to make funds available to support such activities and programmes for local communities most affected by changes in employment as a result of the timber sanctions, such as reintegration programmes for former timber workers, including ex-combatants.

53. As indicated above, the present report represents a preliminary assessment, based on secondary sources and remote interviews and surveys. To assess the potential effects of the timber sanctions on Liberia over a period of time, especially in the light of the variability in the underlying factors (ongoing hostilities, logging seasons), the Security Council may wish to consider establishing a long-term monitoring mechanism to regularly review the possible implications of the sanctions regime.

United Nations S/2003/794

Security Council

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Letter dated 5 August 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith a statement issued yesterday by the Government of Rwanda on the proposal for the appointment of a separate Prosecutor for the International Criminal Tribunal for Rwanda (see annex).

I would be grateful if you would have this statement circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

03-45905 (E) 060803

Annex to the letter dated 5 August 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Statement on the proposal for the appointment of a separate Prosecutor for the International Criminal Tribunal for Rwanda

4 August 2003

The Government of Rwanda welcomes the decision of the Secretary-General of the United Nations to recommend to the Security Council that separate prosecutors be appointed for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

The proposal vindicates the Government of Rwanda, which has advocated the establishment of separate prosecutors for these two tribunals since the creation of the International Criminal Tribunal for Rwanda in 1994.

The Government of Rwanda has for many years expressed concerns about the performance of the International Criminal Tribunal for Rwanda.

The concerns of the Government of Rwanda have been with respect to the Tribunal in general and the Office of the Prosecutor of the International Criminal Tribunal for Rwanda in particular.

These concerns include the very slow pace of trials; the failure of the International Criminal Tribunal for Rwanda to indict and apprehend large numbers of prominent genocide suspects still at large; gross mismanagement within the various organs of the International Criminal Tribunal for Rwanda; incompetence of personnel, admitted by both the Prosecutor and other organs of the United Nations, arising from recruitment practices based on nepotism; corruption and other abuses such as fee-splitting between genocide suspects on trial, defence lawyers, investigators and other employees of the Tribunal; mistreatment of and lack of protection for prosecution witnesses; the hiring of genocide suspects as Tribunal staff or members of defence teams, and the failure of the Tribunal in general to have any impact on Rwandan society in the spirit of Security Council resolution 955 (1994), by which the International Criminal Tribunal for Rwanda was established.

With regard to the Office of the Prosecutor in particular, the Government of Rwanda has always been concerned about the inefficiency and ineffectiveness arising from the separate geographical locations of various branches of the Office and general neglect of the Rwanda aspect of the mandate of the Office of the Prosecutor, which is illustrated by the fact that the Prosecutor spends no more than 30 days or so in Kigali and Arusha in any one year and devotes most of her time and attention to the International Tribunal for the Former Yugoslavia.

The Government of Rwanda would urge the members of the Security Council not only to approve the proposal for the appointment of separate prosecutors for the two Tribunals, but to also consider other necessary reforms, which would make the International Criminal Tribunal for Rwanda more efficient and accountable. These reforms should in the long term also advance the process of international justice and ensure that it is made more meaningful and relevant to the people of Rwanda in general and victims of genocide in particular.

Considering that the completion strategy of the International Criminal Tribunal for Rwanda already envisages the transfer of the bulk of the cases of persons indicted by the Tribunal to Rwanda's domestic courts, the Government of Rwanda calls upon the members of the Security Council to consider, for example, whether the time may not now be appropriate to alter the statute of the International Criminal Tribunal for Rwanda with a view to transforming the International Criminal Tribunal for Rwanda to a "Sierra Leone" type of international court or transferring the cases of persons indicted or yet to be indicted by the International Criminal Tribunal for Rwanda to special chambers of Rwanda's domestic courts.

To this end, the Government of Rwanda calls upon the members of the Security Council to organize, as soon as possible, a debate to consider a comprehensive review of the performance, mandate and future of the International Criminal Tribunal for Rwanda.

United Nations S/2003/795

Security Council

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8 August 2003

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Report of the Secretary-General concerning the credentials of the representative of China on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials, signed on 26 June 2003, by the Minister for Foreign Affairs of China, stating that Mr. Wang Guangya has been appointed representative of China on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

03-46229 (E) 080803

United Nations S/2003/

Security Council

Distr.: General
8 August 2003

Original: English

Letter dated 5 August 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Mission for the Referendum in Western Sahara (MINURSO).

Following the usual consultations, it is my intention to appoint Alvaro de Soto (Peru) as my Special Representative for Western Sahara. Mr. de Soto will replace William Swing, who has been appointed as my Special Representative for the Democratic Republic of the Congo.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

03-46222 (E) 080803

United Nations S/2003/797

Security Council

Distr.: General
8 August 2003

Original: English

Letter dated 8 August 2003 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 5 August 2003 (S/2003/796) concerning your intention to appoint Alvaro de Soto (Peru) as your Special Representative for Western Sahara has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Mikhail **Wehbe**
President of the Security Council

03-46210 (E) 080803

United Nations S/2003/798

Security Council

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8 August 2003

Original: English

Letter dated 8 August 2003 from the Chargé d'affaires of the Permanent Mission of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to attach herewith the assessment of the work of the Security Council for the month of June 2003 (see annex).

This assessment has been prepared under my own responsibility following consultations with members of the Council, pursuant to the note by the President of the Security Council dated 12 June 1997 (S/1997/451) and should not be considered as representing the views of the Council.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Gennady **Gatilov**
Chargé d'affaires a.i.

03-46302 (E) 130803

Annex to the letter dated 8 August 2003 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the Presidency of the Russian Federation (June 2003)

Introduction

Under the Presidency of the Russian Federation the Security Council addressed a wide range of issues on its agenda, inter alia in Africa, the Middle East/Palestine, Iraq, Cyprus and Kosovo (Serbia and Montenegro). The situation in Afghanistan was considered, with specific emphasis on illicit drugs.

In total during the month of June the Security Council held 14 formal meetings and 15 consultations of the whole, and adopted four resolutions and three presidential statements. The President made several statements to the press on behalf of the Council members.

In June the Council dispatched missions to Central Africa and West Africa.

Africa

Democratic Republic of the Congo

On 4 June, during informal consultations, the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guehenno, introduced to the members of the Security Council the Secretary-General's report on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/211). He also informed the Council members about his latest trip to the country and the situation on the ground.

The Deputy Emergency Relief Coordinator, Carolyn McAskie, briefed the Council members on key developments in the humanitarian situation in the Democratic Republic of the Congo, especially in Ituri Province and North and South Kivu, on the basis of the findings of her recent mission to the country.

On 19 June, during informal consultations, the Council continued to consider the recommendations contained in the second special report of the Secretary-General (S/2003/566 and Corr.1).

On 26 June, during informal consultations, members of the Council heard a briefing from the Secretariat on the situation in the Democratic Republic of the Congo, particularly the latest developments in the eastern part of the country.

The President issued a press statement after the meeting.

At a formal meeting on 26 June, the Council adopted resolution 1489 (2003) extending the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo until 30 July 2003.

Côte d'Ivoire

During informal consultations on 3 June, the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, briefed the Council on the latest developments in Côte d'Ivoire and on the preparations for establishing the United Nations mission in that country. The Council members welcomed the progress in the implementation of the Linas-Marcoussis Agreement, expressed satisfaction at the presentation to the National Assembly, by the Prime Minister, of a draft programme for implementing the Agreement, renewed their appreciation for the peacekeeping efforts of the French and ECOWAS forces, and stressed again their concern at the humanitarian situation in Côte d'Ivoire. They called on the Ivorian parties to continue to take the Linas-Marcoussis process forward and to respect human rights and international humanitarian law. The President issued a press statement after the meeting.

Guinea-Bissau

During a public meeting on 19 June, the Representative of the Secretary-General, David Stephen, presented the report of the Secretary-General on developments in Guinea-Bissau and the activities of the United Nations Peace-building Support Office in that country (S/2003/621). The Chairman of the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and Permanent Representative of South Africa, Dumisani Kumalo, representatives of Guinea-Bissau and the Gambia (on behalf of the Group of Friends of Guinea-Bissau), as well as members of the Council, made statements. The Council members appealed to the country's leaders to organize in a timely and effective manner the crucial forthcoming legislative elections, which should be transparent, fair and credible, to promulgate the new Constitution and to have the President and Vice-President of the Supreme Court duly elected without further delay. They called on the Government of Guinea-Bissau to take the necessary steps to facilitate a constructive dialogue with the international community and the Bretton Woods institutions, and appealed to the donor community to contribute financially to the implementation of the political and economical process in Guinea-Bissau. They stressed the importance of cooperation between the Security Council and the Economic and Social Council in solving the problems of Guinea-Bissau, and called on the country's Government to fully endorse the partnership approach defined by the Ad Hoc Advisory Group of the Economic and Social Council.

The Council members adopted a presidential statement (S/PRST/2003/8).

Liberia

On 9 June during informal consultations, the Under-Secretary-General for Political Affairs, Kieran Prendergast, briefed the Council on the most recent developments in Liberia.

Members of the Council reaffirmed support for the peace efforts of ECOWAS and the peace talks at Akosomo, Ghana; called upon stakeholders in the conflict to immediately cease hostilities and conclude a ceasefire agreement so as to give the peace process a chance to succeed; appealed to the parties to provide security guarantees for safe and unhindered access by humanitarian agencies to vulnerable groups; and also appealed to the international community to provide immediate

assistance to the Liberian people to prevent a humanitarian catastrophe in Liberia. After the meeting the President made a statement to the press.

On 11 June during informal consultations, Council members were briefed by the Department of Political Affairs on the report of the Secretary-General on the situation in Liberia (S/2003/582) and the ongoing peace talks in Ghana between the Government of Liberia and the Liberian parties, as well as the situation on the ground.

After the meeting the President issued a statement to the press, in which Council members expressed grave concern at the rapidly deteriorating security situation in Liberia, urged all combatants in the strongest terms to immediately cease hostilities and agree to the ceasefire, and stressed in particular the urgent need for the combatants to spare the lives and property of innocent civilians.

On 13 June during informal consultations, the Assistant Secretary-General for Political Affairs, Tuliameni Kalomoh, briefed the Council on the situation in Liberia, which was characterized by confirmed heavy fighting between the government armed forces and rival armed opposition groups. After the meeting the President issued a statement to the press in which Council members expressed their grave concern over the situation in Liberia, agreed with the estimation of the situation by the Secretary-General, and welcomed the efforts of ECOWAS to ensure the implementation of the ceasefire agreement.

Sierra Leone

On 4 June the diamond embargo on Sierra Leone expired. The Security Council agreed not to renew the measures and on 5 June the President issued a statement to the press on the matter.

Security Council mission

On 18 June at a public meeting of the Council, the head of the Security Council mission to Central Africa and Permanent Representative of France, Jean-Marc de La Sablière, presented to the Security Council the report of the mission and informed the Council members about the meetings of the mission with the regional heads of State.

Asia

Afghanistan

On 9 June the President expressed condolences to the Government of Germany in connection with the terrorist attack in Kabul against German peacekeepers. Four soldiers were killed and many others wounded.

At a public meeting on 17 June, the Security Council considered the situation in Afghanistan with specific focus on the threats presented by drugs originating in Afghanistan, including the issues of their production, consumption and trafficking on the national, regional and international levels.

The Under-Secretary-General for Peacekeeping Operations and the Executive Director of the United Nations Office on Drugs and Crime, Antonio Maria Costa, briefed the Council.

It was noted that security remained a serious challenge facing Afghanistan. Recognizing the link between illicit drug trafficking and terrorism, the Council stressed that security should be enhanced by continued coordinated efforts to combat the production of illicit drugs in Afghanistan, as well as to interdict drug trafficking beyond its borders.

The Council adopted a presidential statement (S/PRST/2003/7) that highlighted the need to promote efforts by neighbouring countries to stop transboundary trafficking of drugs, including increased cooperation among them to strengthen anti-narcotic controls to curb the drug flow. It supported the strategy of the Afghan Transitional Administration to eliminate illicit opium poppy cultivation by 2013 and reduce the demand for drugs globally.

The situation in the Middle East, including the Palestinian question

On 13 June, during an open meeting, the Under-Secretary-General for Political Affairs briefed the Security Council on the situation in the Middle East. He stressed that the successful summit in Aqaba had generated enormous hopes and expectations. At the same time the continuation of violence seriously undermined efforts to renew the peace process. He emphasized that it was important for both Israelis and Palestinians to stay the course of peace and start implementing the Quartet's road map. He also briefed the Council on the humanitarian situation of the Palestinians, which had not improved despite the steps towards renewal of the political process.

The members of the Council condemned violence and terrorism, and stressed the need for Israel to take practical measures to ease the humanitarian burden of the Palestinians.

The President issued a statement to the press in which on behalf of the Council he expressed serious concern at the continuing and increasing violence, supported the Quartet's road map, reiterated the demand for an immediate cessation of all acts of violence, including acts of terror, provocation, incitement and destruction, and reconfirmed the importance of achieving a comprehensive, just and lasting peace in the Middle East, including the Israeli-Syrian and Israeli-Lebanese tracks.

On 25 June the Council held consultations on the United Nations Disengagement Observer Force (UNDOF). The Under-Secretary-General for Peacekeeping Operations briefed the Council on the latest report of the Secretary-General, emphasizing his recommendation to extend the mandate of UNDOF until 31 December.

The members of the Council supported the proposal of the Secretary-General. They also stressed the necessity of making active efforts aimed at achieving comprehensive peace in the Middle East.

On 26 June the Council adopted resolution 1488 (2003), extending the mandate of UNDOF until 31 December 2003. A presidential statement was adopted which reflected the Council's view that the situation in the Middle East was very tense and likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached.

On the same day the President made a statement to the press in which he expressed support for the outcome of the meeting of the Quartet held in Amman on 22 June.

Iraq

On 5 June during a formal meeting, the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), Hans Blix, introduced his thirteenth quarterly report. He emphasized that in the period during which it carried out inspections and monitoring in Iraq, UNMOVIC had not found evidence of the continuation or resumption of programmes of weapons of mass destruction. The lack of findings could be because the items were unilaterally destroyed or were effectively concealed by the Iraqi authorities. He expressed the opinion that in the new environment in Iraq it should be possible to establish the truth.

The Executive Chairman noted that in resolution 1483 (2003) the Council had declared its intention to revisit the mandate of UNMOVIC. The Commission remained ready to resume work in Iraq as an independent verifier or to conduct long-term monitoring should the Council so decide. In this context the Chairman said that the core expertise available within UNMOVIC remained a valuable asset which the Council could use where the services of an independent body were required for verification or monitoring, particularly in the field of biological weapons and missiles for which there existed no international verification organizations.

After the briefing the President of the Security Council, taking note of the intention of Mr. Blix to retire from his post, expressed sincere gratitude to him for his service and appreciation for his efforts undertaken to implement the mandate of UNMOVIC.

During the consultations some members of the Council indicated the necessity to use the potential of UNMOVIC to close the Iraqi disarmament file. The representatives of coalition States informed the Council about their own efforts in this area. Some members supported the idea of using the expertise available within UNMOVIC for the purposes of international verification and monitoring, while others emphasized that the role of UNMOVIC should be limited by the Iraqi disarmament dossier.

At its informal consultations on 16 June, the Council considered the report submitted by the Secretary-General pursuant to paragraph 16 (c) of resolution 1483 (2003). Members of the Council raised numerous questions regarding the financial modalities of the phasing-out process of the oil-for-food programme. At the request of several delegations it was decided to continue consideration of the report in the Committee established by resolution 661 (1990).

On 16 June during consultations, the High-level Coordinator, Yuli Vorontsov, in accordance with resolution 1284 (1999) introduced to the Council the Secretary-General's quarterly report on Kuwaiti property and archives. He noted that in the pre-war period the cooperation of Iraqi authorities in resolving this humanitarian issue had been limited. He stressed that, while some property and some documents had been handed over, the Kuwaiti archives, together with military equipment seized by Iraq, remained largely unreturned. The Coordinator expressed his intention to

continue his activity in order to close the problem of Kuwaiti property and archives. The members of the Council supported his further activity in the humanitarian area, regarding both Kuwaiti property and missing persons.

At its informal consultations on 26 June, the Council was briefed by the Executive Director of the Iraq Programme, Benon Sevan, on the implementation of paragraphs 16 and 17 of resolution 1483 (2003). The Council members expressed their resolve to continue to monitor closely the phasing-out of the humanitarian programme.

Europe

Cyprus

On 6 June the Council considered the report of the Secretary-General on the United Nations operation in Cyprus. The Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, informed the Council that during the past six months the situation along the ceasefire line had remained calm. At the same time he expressed regret about the continuing violations of the status quo ante at Strovilia.

He also stressed that recent positive developments were not a substitute for a comprehensive settlement and that such a settlement could not be achieved without a political commitment of both sides to the "Annan plan" and a firm timetable to finalize negotiations.

Members of the Council supported the activities of the United Nations Peacekeeping Force in Cyprus (UNFICYP) and urged the Turkish Cypriot side and the Turkish forces to rescind all remaining restrictions on UNFICYP.

The President of the Council met with the representatives of Cyprus, Greece, the Turkish Cypriot community and Turkey. The parties confirmed that they maintained their well-known positions vis-à-vis the situation in Cyprus.

At a formal meeting on 11 June, the Council adopted resolution 1486 (2003), extending the mandate of UNFICYP for a further period ending 15 December 2003. Before the adoption of the resolution, in accordance with precedent, the President informed the Council about the result of his consultations with the parties.

Abkhazia, Georgia

During informal consultations on 6 June, the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, informed the members of the Council that on 5 June one Danish and two German military observers and a local interpreter of UNMIG were kidnapped when on patrol in the upper Kodori Valley. He stressed that the United Nations was taking measures to release the hostages.

The representative of Germany urged the United Nations Secretariat to refrain from actions that might put in danger the life of the hostages.

The President of the Council made a statement to the press condemning the kidnapping and urging a speedy release of the United Nations personnel.

On 11 June the Assistant Secretary-General informed the Council that the hostages had been released and that the Special Representative of the Secretary-

General, Heidi Tagliavini, had spoken by telephone with the President of Georgia, Edward Shevardnadze, who, inter alia, had stated that all responsible for the incident should be brought to justice.

Kosovo, Serbia and Montenegro

On 3 June the Council held consultations at which the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, briefed the members on recent developments relating to privatization in Kosovo and to the promulgation by the Special Representative of the Secretary-General, Michael Steiner, of Regulation 2003/13, on the transformation of the right of use to socially owned immovable property, commonly known as the Land Use Regulation. A letter to the President from the Permanent Representative of Serbia and Montenegro to the United Nations on the subject was circulated to the members for their information.

On 6 June the Council held consultations at which the Assistant Secretary-General for Peacekeeping Operations informed the members about the brutal murder of three Kosovo Serb residents in Obilić municipality in Kosovo and on the steps taken by the United Nations Interim Administration Mission in Kosovo (UNMIK) to find and bring to justice the perpetrators of that horrible crime, including the establishment of a nine-member UNMIK special police squad to investigate the crime, with special advisers from both the Kosovo Serb and the Kosovo Albanian communities. Members of the Council strongly condemned the crime and stressed that the murders in Obilić were a serious setback to the efforts to foster multi-ethnicity in Kosovo and create conditions for the return of refugees. The President issued a statement to the press after the meeting.

On 10 June the Council held a public meeting to consider the situation in Kosovo. The Assistant Secretary-General for Peacekeeping Operations briefed the Council on developments since the previous briefing on 23 April. He stressed that, on the fourth anniversary of the adoption of resolution 1244 (1999), progress had been significant, but that challenges remained in such key areas as freedom of movement, meaningful minority participation, refugee returns and dialogue between Belgrade and Pristina.

Members of the Council reaffirmed their support for establishing the appropriate security, economic and legislative conditions to allow the minorities to become an integral part of political, economic, social and cultural life in Kosovo. They recalled that the Provisional Institutions of Self-Government had, as their particular responsibility, to establish a climate conducive to implementing the objectives of the international community for the benefit of the entire Kosovo population and, inter alia, that the Kosovo Assembly must refrain from those initiatives that ran counter to resolution 1244 (1999) or the Constitutional Framework. Council members supported the Special Representative's "standards before status" policy and urged both sides to refrain from statements and actions which prejudiced the final status of Kosovo.

The representatives of Greece (in the capacity of Presidency of the European Union) and Serbia and Montenegro were invited, at their request, to participate in the discussion and made statements.

General issues

United Nations peacekeeping

At a public meeting on 12 June the Security Council adopted resolution 1487 (2003) by 12 votes in favour to none against, with three abstentions (France, Germany and the Syrian Arab Republic). The resolution, inter alia, provides immunity from prosecution by the International Criminal Court for United Nations peacekeepers from countries not parties to the statute of the Court for a 12-month period beginning 1 July 2003, extending an exemption originally requested in July 2002.

Protection of civilians in armed conflict

On 20 June at a formal meeting of the Council the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Kenzo Oshima, gave an oral briefing on the progress made in the implementation of the aide-memoire adopted by the Council in March 2002 and on the elaboration of the road map for the protection of civilians. Special attention was given to the specific situations in Afghanistan, Iraq and Liberia, including problems of access of humanitarian organizations to the vulnerable population, safety and security of humanitarian and associated personnel, and prevention of violations of the rules and principles of international law by the parties to armed conflict.

The Council members supported the United Nations efforts and underlined the importance of developing a comprehensive approach to the prevention of armed conflict, effectively combating terrorism in all its forms and manifestations, ending impunity and prosecuting those responsible for crimes against civilians and humanitarian personnel, and improving coordination among international humanitarian and non-governmental organizations.

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Security Council

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Letter dated 31 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to forward herewith copies of the following documents relating to the Australia-led Regional Assistance Mission that is now being deployed to Solomon Islands to restore law and order and economic recovery:

1. Solomon Islands Government policy statement on the offer by the Government of Australia for strengthened assistance to Solomon Islands (annex I).

2. The Facilitation International Assistance Act 2003 (annex II).

3. Agreement between Solomon Islands, Australia, New Zealand, Fiji, Papua New Guinea, Samoa and Tonga concerning the operations and status of the police and armed forces and other personnel deployed to Solomon Islands to assist in the restoration of law and order and security (annex III).

I should be grateful if you could arrange for the circulation of the present letter and its annexes* as a document of the Security Council.

(*Signed*) Beraki **Jino**
Minister Counsellor
Chargé d'affaires a.i.

* The annexes are being circulated in the language of submission only.

03-46344 (E) 130803

Annexes to the letter dated 31 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the President of the Security Council

Annex I

Solomon Islands Government policy statement on the offer by the Government of Australia for strengthened assistance to Solomon Islands, 2003

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INTRODUCTION

This Paper deals with the important subject of the proposed offer by the Government of Australia to pursue addressing the threats to our security and economic recovery. This proposal resulted from the realities of our own situation and the need for us to resolve these threats meaningfully and positively.

2. In this context, and under the prevailing circumstances, we, the national leaders of our young nation, have to be realistic, practical and pragmatic in order to be able to restore lasting peace, return the rule of law and recover the economy. To this fundamental extent, it has been necessary for us to have consultations as wide as possible with our regional friends of the Forum, our colleagues within the Commonwealth and the United Nations. Thus, our search for a path to lead us to our destiny for peaceful existence, progressive development and nation building has been heard, appreciated and understood. It is now time to act, and such needed action is being proposed for Parliament's consideration, determination and approval.

3. Solomon Islands is greatly indebted to Australia for taking the initiative to formulate the strategy for strengthened assistance based on a cooperative effort between Solomon Islands and other members of the Pacific Islands Forum to be led by Australia and New Zealand and engaging donors where possible.

4. For Solomon Islands part, the first step is to bring this cooperative effort to Parliament for its formal endorsement and approval. This is the hallmark of our subscription and adherence to the principle of representative democracy. For Parliament's voice is the voice of our people

5 The operative considerations for determination and decision in this statement are presented in the Parts that follow.

PART I: STARTING POINT

1. Background.

1.1 Solomon Islands Government Major Priorities.

The most challenging responsibility that, the Government declared, on assuming office in mid December 2001, was to work hard for the restoration of peace and returning the country and our people to normalcy under the rule of law. To this fundamental extent, the major policy priorities were clearly set for dedication, determination and decisiveness in government actions and directions. These policy priorities are:

(a) Restoration of Peace and Security Issues,
(b) Management of Government Finances.
(c) Education Services
(d) Medical Services, and
(e) Productive Sectors.

1.2 Pursuit of Constructive Consultations

1.2.1 It has been in pursuit of finding positively constructive ways and means by which the Government may be able to accommodate and contain, and hence resolve, the continuing deteriorating state of affairs of our people, that led to taking the message afar to our friendly governments and organizations, both within the Pacific region and in the international community.

1.2.2 The Government, therefore, has had to persistently seek constructive consultations at the bilateral as well as the multilateral levels. Such consultations were held at the United Nations, the Commonwealth and the Pacific Islands Forum meetings during the past 18 months.

1.3 The Prime Ministers Meeting

1.3.1 All those consultative sessions both at the diplomatic and political levels culminated in the meeting in Canberra between the Solomon Islands Prime Minister and the Australian Prime Minister. At the invitation of the Australian Prime Minister, Honourable John Howard, MP, the Solomon Island Prime Minister, Honourable Sir Allan Kemakeza, MP, accompanied by a very high-level delegation visited Canberra from 4th to 6th June 2003 for further talks on Solomon Islands deteriorating circumstances.

1.3.2. The Solomon Islands delegation included the Minister for Foreign Affairs - Honourable Laurie Chan, MP, the Minister for Police and National Security - Honourable Augustine Taneko, MP, the Chairman of the National Peace Council - Mr. Paul Tovua, and the Commissioner of Police -Mr. William Morrell.

1.3.3. Prime Minister John Howard also had his Ministerial Colleagues with him for the series of meetings that were held with the Solomon Islands delegation. Their team was made up of: the Minister for Foreign of Affairs - Honourable Alexander Downer, MP, the Minister for Justice and Customs - Honourable Chris Ellison, MP, and the Minister for Defence - Honourable Robert Hill, MP.

1.3.4. The Forum Foreign Ministers meeting on 30th June 2003 in Sydney was co-hosted by Australia, New Zealand and Solomon Islands and was facilitated by the Forum Secretariat. The Meeting was attended by all the Forum Member countries including, Australia, Cook Islands, FSM, Fiji, Kiribati, Marshal Islands, New Zealand, Nauru, Niue, Palau, PNG, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. The meeting endorsed a statement in support of the Australian Proposal to Solomon Islands and police led intervention under the Biketawa Declaration.

1.4 Purpose of this Policy Statement Paper.

1.4.1 This Policy Statement presents to Parliament the outcome of this most critical round of constructive consultations for Solomon Islands best hope for the realization and attainment of the restoration of peace and normalcy to a more recognizable and satisfactory degree than has been since the conclusion and implementation of the Townsville Peace Agreement. This policy statement represents the best hope for Solomon Islands in the future.

1.4.2 As will be outlined below, this Paper contains the full text of the package for an Australian proposed framework for strengthened assistance to Solomon Islands. By its nature, and because of the importance of peace before any meaningful development, the Australian proposal necessarily requires Parliamentary endorsement and approval.

2. PRINCIPLES FOR INTERVENTION.

2.1 Sovereignty of Solomon Islands.

2.2.1. To clarify concerns raised by segments of our society regarding the implication of the Australian proposal on the sovereignty of our country, it is important that we briefly look at the principle of sovereignty as well as the concept of intervention especially as they relate to the proposal.

2.1.2 State sovereignty is an assertion of the anti-colonial doctrine of " national self- determination" enshrined in Article 1(2) of the United Nations Charter. Upon attaining political independence, Solomon Islands as a sovereign state acquires three other guarantees:

2.1.3. First, domestic jurisdiction, i.e. no external force can interfere in the internal affairs of a state without the request or the consent of the state concerned. This is the principle of non-intervention as provided in the UN Charter, under Article 2 (7).

2.1.4. Second, non-aggression, i.e. no state has the right of aggression "of breach of the peace" or even of threat to the peace. (Article 39 of the UN Charter).

2.1.5. Third, right of "national self-defense", i.e. Sovereignty sanctifies the inherent right of self defense against any "armed attack.

2.1.6. The guarantee that concerns us or which is relevant to the Australian proposal is the first one, i.e. no external force can interfere in the internal affairs of a state without the request or the consent of the state concerned, in this case, Solomon Islands. The Australian proposal mindful of this important international principle requires Solomon Islands to provide a formal request by the Head of State, acting on the advice of Cabinet to the Australian Government before Australian assistance or intervention can proceed. The proposal also encourages wider political and community support and an enabling legislation to be in place before the proposed intervention. Australia would not proceed with its offer of assistance if Solomon Islands does not accept it.

2.2. Definition of Intervention

2.2.1. It is also necessary that our people understand the concept of intervention. Intervention is interference in the internal affairs of another group or state. It implies an objective, moral purpose and an obligatory action in pursuit of a just cause.

2.2.2. No doubt, priority should be given to the use of peaceful means for conflict resolution. Intervention should be kept as a last resort and intervention can go through various collective measures, the last of which should be the use of force.

2.2.3. An incremental approach is usually followed when it comes to the decision of intervention, in the sense that a gradual approach should be followed. The state concerned should be allowed time to remedy the situation. The Solomon Islands Government had undertaken a number of initiatives to address the country's law and order problem and to rebuild the economy. These efforts while satisfactory, have been insufficient to return the country to normalcy and on the road to sustainable peace.

2.2.4. As an alternative, neighboring states should be encouraged to help and assist upon the request from the State concerned. This is the alternative that the Australian proposal is based on. As stated it is a cooperative effort between Solomon Islands and members of the Pacific Islands Forum led by Australia and New Zealand. This cooperative effort will be undertaken under the auspices of the Biketawa Declaration. The Biketawa Declaration provides for regional responses to Forum Members' request for assistance, including the convening of an ad hoc meeting of Forum Ministers. The Solomon Islands Government supports Australia's efforts to obtain international support and endorsement, including from members of the Pacific islands Forum.

2.3 Nature of Intervention

2.3.1 Norms and criteria for intervention

Military intervention should be taken in a collective manner and be fully compatible with international humanitarian law and the UN Charter, taking into account several factors:

- **Respect for State Sovereignty**

In conformity with Article 2 of the UN Charter, intervention should not seek to undermine the sovereignty, territorial integrity or political independence of any state. The government believes Australia has no such intention and as stated earlier, the effort is a cooperative one between Solomon Islands and members of the Pacific Islands Forum, led by Australia and New Zealand. Above all, the proposed offer is based on an initial request from Prime Minister Sir Allan for assistance to help the Government to restore law and order.

- **Non-selectivity**

  Norms and Criteria of humanitarian intervention should be indiscriminately applied to all cases without double standard or politicization. Decisions of intervention must be in accordance with the country's needs.

- **Proportionality**

  The nature size and duration of intervention should be proportionate to the nature, gravity and development of the crisis. In our case, the Commissioner of Police will play a major role in making the necessary assessment of our situation and requirements in consultation with his Australian and New Zealand counterparts. This assessment is key to determining what sort of police or military assistance Solomon Islands needs.

- **Impartiality**

  Intervention should aim at the protection of all affected civilians without discriminating against certain ethnic groups, sects or minorities. The main target of intervention should be focused on redressing the situation.

- **Targeting**

  Intervention should be accurately targeted to avoid leading to escalation of the crisis or increasing the suffering of civilians. Prior to intervention the objectives and the scope of jurisdiction should be clearly stated. No doubt, changes could occur but a general framework for action is necessary.

2.3.2. The Australian proposal is targeted at addressing the law and order problem and the rebuilding of the Solomon Islands economy. This is the scope and objective of the proposal.

PART II: FRAMEWORK FOR THE PROPOSAL

1. The Australian Framework and Proposal

1.1 The Australian Framework and Proposal are clearly outlined and defined in the official document that was given to the Prime Minister after his meeting with the Australian Prime Minister in Canberra as pointed out in Paragraph 1.1 of PART I above. For transparency and clarity purposes, that document is reproduced here verbatim as follows:

"FRAMEWORK FOR STRENGTHENED ASSISTANCE TO SOLOMON ISLANDS: PROPOSED SCOPE AND REQUIREMENTS

1. SCOPE

Strengthened assistance will address the most serious specific threats to security and economic recovery in Solomon Islands. It should be provided by a cooperative effort between Solomon Islands and other members of the Pacific Islands Forum, led by Australia and New Zealand, engaging donors where possible, and cover both civil order and the economy.

2. Under civil order, the main task will be to re-establish security in Honiara, enabling government, business and the community to operate free of intimidation. Improved security would later be extended beyond Honiara. Key elements will be to:

- in cooperation with the Police Commissioner, reform the Royal Solomon Islands Police (RSIP), introducing expatriate police personnel into line positions, and providing increased resources;

- launch a new effort to locate and confiscate illegal weapons;

- investigate and prosecute new criminal offences vigorously;

- strengthen the courts and prison system; and,

- protect key institutions, such as the finance ministry, courts and their personnel from intimidation.

In this context, Australia would be prepared to consider whether there might be a requirement for expatriate military and police assistance.

3. The first task with the economy will be to stabilize government finances and balance the budget. The key points will be to:

- secure revenue collection and control outlays;

- strengthen administrative safeguards in government financial systems, including by deploying expatriate personnel in key positions; and,

- obtain donor and IFI financial and technical support.

4. The second economy-related task will be to promote longer-term economic recovery and revive business confidence, building on better civil order and the stabilization of government finances. It will be important to pursue economic reform policies to regain credibility with the international donor community, and to rebuild the essential machinery of government to support stability and the delivery of services. Australia will support such efforts and continue its substantial support to health, the peace process and community-level development, and will make every effort to persuade other donors likewise to increase their support. Key points will include:

- implementing economic reform, consistent with the recommendations of the recent economic governance mission;
- focused efforts to deal with corruption;
- downsizing the civil service, cleansing the payroll and stopping extortion; and,
- improved debt management.

II REQUIREMENTS

5. If it is to proceed to provide strengthened assistance as outlined above, Australia will require the Solomon Islands Government to:

- Provide a formal request for assistance from the Governor-General, acting on the advice of the Cabinet;
- Encourage widespread political and community support for such assistance;
- Support Australia's efforts to obtain international support and endorsement, including from members of the Pacific Islands Forum;
- Pass necessary legislation and conclude arrangements to cover the deployment of expatriate personnel;
- Pass legislation and take administrative action necessary to restore security and bring about economic recovery;
- Accept and cooperate with expatriates brought into the RSIP, judiciary, prisons, and other government ministries;
- Cooperate with efforts to achieve disarmament and pursue criminal activity;
- Cooperate with efforts to stabilize government finances, including revenue and expenditure control, civil service downsizing, payroll cleansing and an end to extortion;
- Implement a rigorous economic package;

- Demonstrate its commitment to sustained implementation of sound economic policies, including cooperation with International Financial Institutions; and,

- Support the rebuilding of essential institutions and capacities to support the functioning of government.

CANBERRA, 5 June 2003"

The foregoing constitute the Australian Framework and the Scope and Requirements for the implementation and actualization of the Strengthened Assistance being offered and encouraged for determined consideration by the Government and the Parliament.

2. Solomon Islands Responses and Undertakings

2.1 Responses to the Scope:

2.1.1 The Solomon Islands Cabinet had already approved the Australian proposal in principle. A special task force has also been appointed and mandated to spearhead and coordinate wider consultations on the proposal.

2.1.2 The Solomon Islands Government agrees with the scope of the Australian Framework for Strengthened Assistance to Solomon Islands and that it should be a cooperative effort between Solomon Islands and other members of the Pacific Islands Forum, led by Australia and New Zealand, and engaging donors where possible.

2.1.3 The focus on civil order or restoring law and order is compatible with the current government's priorities and the wishes of the majority of the people in the country. It is desirable that the strengthened assistance under civil order be comprehensive to address the needs of the entire Administration of Justice system. Such assistance should include the following:

- Reform of the Prison Service
- Strengthening of Government legal Offices
- Destroying of illegal weapons that will be collected and confiscated
- Protection of prosecution personnel as well as properties such as the international Airport.

2.1.4 It is prudent that the constitutional and other powers vested in the Commissioner under the Police Act are taken into consideration in command and operational matters.

3. On the economy, the tasks and measures outlined in the Australian Proposal are crucial for rebuilding our economy. It is important that Solomon Islands adopts and implements these measures, in line with the Government's National Recovery Plan 2003 – 2005, including stamping out of corrupt financial practices. Funding support would be required to effectively carry out some of these measures including the downsizing of the civil service and settling of debt arrears. It is also desirable that the strengthened assistance considers the personnel requirements and technical and logistical support for the various divisions of the Ministry of Finance. Furthermore, additional measures to revive the private sector would be necessary.

4. While the Government is fully aware that the focus of the Australian proposal is on civil order and the economy, it is imperative that Australia and New Zealand consider increasing its budgetary support for the Health and Education sectors.

2.2 Undertakings to meet the Requirements.

2.2.1 It is sufficiently clear from the foregoing elaborations on the Solomon Islands Government's responses that we are committed to meeting the requirements of the Australian proposal. To do otherwise will not only be irresponsible but also, and more importantly so, it will be an absolute denial of our people's fundamental rights and freedoms to live and work without intimidation and threats of the use of force by other persons.

2.2.2 As has already been alluded to in Paragraph 1.4.1 of PART I, the proposed strengthened assistance arrangement is the best hope for Solomon Islands in the future. Basically, it is a cooperative effort between Solomon Islands and the Pacific Islands forum members, led by Australia and New Zealand, and engaging donor where possible, and it would cover both civil order and the economy.

2.2.3 The fact that this Policy Statement Paper is brought to Parliament is testimony to the Government's commitment to ensure that we are to abide by the universally acceptable principles of good governance, that is to say: the rule of law, inclusive development, transparency, accountability and fiscal responsibility. We are determined to embark on this new road with this undertaking as the foundation for a useful and fruitful utilization of the assistance being offered.

2.2.4 Individually, the requirements fall within the sectoral programming of the government departments and institutions that have been identified for their specific purposes, particularly, the Departments of Police and National Security, Finance and Treasury, National reform and Planning, Provincial Government and Constituency Development, Health, Education and the Office of the Prime Minister which houses the Public Service Division.

2.3 **Legislative Implications**.

2.3.1 The primary consideration here pertains to the need for the legitimacy of the mechanisms for the implementation of the Strengthened Assistance Program Arrangements. That is, inorder to safeguard the work on activities, in terms of administration and management, all relevant legislations in the country should be taken into account. Beyond this, of course, an enabling legislation is the prerequisite for the implementation of the proposed assistance program arrangements. To this extent, the good governance principles of the rule of law, transparency and accountability are appropriately accommodated and ensured.

2.3.2 It may be prudent to allow time for the surrender of arms. Any consideration of amnesty should be restricted to a link with existing amnesty legislations only. The practical arrangements for this should be discussed with the Attorney General's office, UNDP, NPC, Australian Government and Commissioner of Police.

2.4 Financial Considerations

2.4.1 The proposed strengthened assistance program addresses the management of government finances with a particular resolve to ensure a clear return to the practices that are strictly governed by Chapter X of the Constitution and the Public finance and Audit Act.

2.4.2 Obviously, the Government is clearly unable to meet the financial obligations that are involved in the normal course of implementing the activities under this assistance program. Nonetheless, the costs to be borne from internally raised funds must be measured carefully against the total cost of the program per annum. The message must go out loud and clear that all our people should be required to contribute to saving and serving our nation from ruin and despair. It should be noted, however, that for the purpose of meeting the financial requirements of the program, pursuing our National Economic Recovery Plan must be undertaken with hard work and clear sightedness so that we may get the maximum benefit out of the assistance from our friendly donors community.

PART III: CONCLUSIONS AND RECOMMENDATIONS

1. Conclusions

1.1 The Solomon Islands Cabinet had already accepted in principle the Australian proposed Strengthened Assistance. This Policy Statement attests to the Cabinet decision and its wisdom to avail the opportunity to Parliament for its authority to approve and formalize Solomon Islands desire for assistance to return our people and country to peace and normalcy.

1.2 The proposed Scope and the Requirements as offered by Australia are received and agreed as the best hope for Solomon Islands and our people in the future.

1.3 The success of the implementation of this Assistance Program calls for responsible leadership and loyal, dedicated and unselfish service by all Solomon Islands at all levels of government as well as from all levels of our societal communities.

2. Recommendations

1. That Parliament endorses the request that has been made by the Governor General, acting on the advice of the Cabinet, to the Government of Australia for the implementation of the Strengthened Assistance Proposal at their earliest possible convenience.

2. That Parliament agrees with;

   (a) Solomon Islands Government's acceptance of the Australian Proposal; and

   (b) The enactment of the appropriate enabling legislation to legitimize the arrangements for the implementation

of the Proposal to cover the deployment of expatriate personnel.

3. That Parliament encourages the Secretary General of the Pacific Islands Forum to continue undertaking practical measures to assist Solomon Islands.

4. That Parliament urges the Government, on behalf of the people of Solomon Islands, to express profound gratitude and appreciations to the Government and people of Australia and other members of the Pacific Island Forum for their kind and generous gesture as manifested by the Strengthened Assistance Program and their other on-going assistance programs.

ANNEX 1

PACIFIC ISLANDS FORUM SECRETARIAT

PIFS(03)FFAMM

FORUM FOREIGN AFFAIRS MINISTERS MEETING

30 JUNE 2003

Sydney, Australia

OUTCOME STATEMENT

The Ministers of Foreign Affairs of the Pacific Islands Forum met in Sydney, Australia on 30 June 2003 to discuss a regional response to assist Solomon Islands according to the principles set out in the Biketawa Declaration. The meeting was chaired by the Hon Kaliopate Tavola, Minister for Foreign Affairs and External Trade of Fiji and was attended by the President of Nauru, the Prime Ministers of Cook Islands, Samoa, Tonga, the Premier of Niue and Ministers from Australia Federated States of Micronesia, Kiribati, New Zealand, Palau, Papua New Guinea, Solomon Islands, Tuvalu and Vanuatu. Fiji was represented by its Permanent Secretary of Foreign Affairs and External Trade, and Republic of the Marshall Islands by its Ambassador to Fiji.

2. Ministers noted the earlier consideration by the Forum of the challenges facing Solomon Islands, particularly the work of the 2002 Forum Eminent Persons' Group and the close personal involvement by the Secretary-General in Secretariat programs to assist Solomon Islands.

3. Ministers received a formal presentation from the Hon. Laurie Chan, Minister for Foreign Affairs, Solomon Islands, on the current situation in Solomon Islands and the need for external assistance to address law and order problems in Solomon Islands. The meeting also received a report from the Australian and New Zealand Foreign Ministers on the findings of the scooping mission undertaken by officials from both countries to Solomon Islands in June 2003, and on the assistance both countries were seeking to provide at the request of Solomon Islands.

4. Ministers agreed that the problems facing Solomon Islands were very serious. The deterioration of law and order had undermined the stability of the country. It had contributed significantly to the economic decline of Solomon Islands in recent years and had greatly weakened many of the country's important institutions.

5. Ministers agreed that the extent of the problems facing Solomon Islands now called for a concerted regional response, as envisaged in the Biketawa Declaration. In this respect, Ministers noted that the Solomon Islands Prime Minister, Sir Allan Kemakeza, had formally approached Australia in April 2003

outlining the challenges facing his country and seeking urgent assistance, and that he had discussed these issues with the Australian Prime Minister.

6. Ministers indicated overwhelming support for the provision of assistance to Solomon Islands and noted that the majority of Forum members had indicated a willingness to assist the Solomon Islands Government. In particular, they noted that Australia had indicated that if formally requested by Solomon Islands it would be disposed to respond positively to such a request in concert with New Zealand and other Forum members.

7. Ministers welcomed the assistance package proposed by Australia. In particular, they noted its comprehensive nature, encompassing law and order, the justice and prison systems, rebuilding Solomon Islands institutions and establishing conditions under which Solomon Islands can achieve social and economic recovery. Ministers agreed that Forum members willing to contribute to such a package would coordinate their assistance through a taskforce.

8. Ministers agreed that the envisaged restoration of law and order in Solomon Islands would be essentially a policing operation, and that police from Forum members would provide the capabilities needed by the Solomon Islands Government to implement Solomon Islands laws according to the Solomon Islands' Constitution. Police would be supported, as required by armed peace-keepers.

9. Ministers agreed that an essential condition for the provision of a program of strengthened assistance by Forum members would be a clear, formal request from the Solomon Islands Government, and the passage of legislation through the Solomon Islands Parliament allowing police and, as necessary, armed peace-keepers from Forum members to support the Royal Solomon Islands Police in the performance of its duties.

10. Ministers endorsed the provision of a package of strengthened assistance to Solomon Islands, including a policing operation to restore law and order, supported, as required by armed peace-keepers, and a program of assistance to strengthen the justice system and restore the economy and basic services. They agreed also to recommend that Forum Leaders endorse the package.

Forum Secretariat, Sydney
30 June 2003

ANNEX 2

"BIKETAWA" DECLARATION

Forum Leaders recalled their 1995 Vision Statement, the Forum Economic Action Plan *Eight Principles of Good Governance* andthe 1997 Aitutaki Declaration. With the aim of elaborating upon these earlier statements and in the interests of regional cooperation, Forum Leaders while respecting the principle of non-interference in the domestic affairs of another member state committed themselves and their countries to a number of guiding principles and courses of actions:

(i) Commitment to good governance which is the exercise of authority (leadership) and interactions in a manner that is open, transparent, accountable, participatory, consultative and decisive but fair and equitable.

(ii) Belief in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief and in the individual's inalienable right to participate by means of free and democratic political process in framing the society in which he or she lives.

(iii) Upholding democratic processes and institutions which reflect national and local circumstances, including the peaceful transfer of power, the rule of law and the independence of the judiciary, just and honest government.

(iv) Recognising the importance and urgency of equitable economic, social and cultural development to satisfy the basic needs and aspirations of the peoples of the Forum.

(v) Recognising the importance of respecting and protecting indigenous rightsand cultural values, traditions and customs.

(vi) Recognising the vulnerability of member countries to threats to their security, broadly defined, and the importance of cooperation among members in dealing with such threats when they arise.

(vii) Recognising the importance of averting the causes of conflict and of reducing, containing and resolving all conflicts by peaceful means including by customary practices.

2. Forum Leaders recognised the need in time of crisis or in response to members' request for assistance, for action to be taken on the basis of all members of the Forum being part of the Pacific Islands extended family. The Forum must constructively address difficult and sensitive issues including underlying causes of tensions and conflict (ethnic tension, socio-economic disparities, and lack of good governance, land disputes and erosion of cultural values). To this end, the Secretary General in the future after consulting the Forum Chairman should urgently initiate the following process:

(i) Assess the situation, make a judgment as to the significance of the developments and consult the Forum Chair and such other Forum Leaders as may be feasible to secure approval to initiate further action;

(ii) Consult the national authorities concerned regarding assistance available from the Forum; and

(iii) Advise and consult with the Forum Foreign Ministers, and based on these consultations, undertake one or a combination of the following actions to assist in the resolution of the crisis:

(a) A statement representing the view of members on the situation;

(b) Creation of a Ministerial Action Group;

(c) A fact finding or similar mission;

(d) Convening an eminent persons group;

(e) Third party mediation;

(f) Support for appropriate institutions or mechanisms that would assist a resolution; and

(g) The convening of a special high level meeting of the Forum Regional Security Committee or an ad hoc meeting of Forum Ministers.

(iv) If after actions taken under (iii) the crisis persists, convene a special meeting of Forum Leaders to consider other options including if necessary targeted measures.

Any regional response to a crisis should take account of the guidelines set out in Annex A.

Biketawa, Kiribati

28 October 2000

Annex

(i) Actions are **discussed** with the authorities in the country concerned;

(ii) The Forum and persons involved on behalf of the Forum should have **credibility** i.e. must be seen as honest and impartial brokers who are genuinely interested in bringing about a fair resolution;

(iii) There must be **coherence** and **consistency** in the strategy followed;

(iv) There must be **continuity** and **conclusion** of the process i.e. staying the course;

(v) There must be **cooperation** with other key international and regional organisations and national actors and coordination of all these efforts;

(vi) There must be a sufficient degree of **consensus** on the resolutions by those who have to implement them i.e. local players and supporters and those that support them (i.e. outside organisations and governments); and

(vii) The intervention must be **cost-effective**.

Annex II

THE FACILITATION OF INTERNATIONAL ASSISTANCE ACT 2003

(NO. 1 OF 2003)

Passed by the National Parliament this Seventeenth day of July 2003

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill

Taeasi Sanga (Mrs)
Clerk to Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty first day of July 2003.

Rev. John Ini Lapli
Governor General

Date of commencement: See Section 1

AN ACT TO MAKE PROVISIONS FOR THE REQUESTING OF INTERNATIONAL ASSISTANCE FOR THE RESTORATION OF LAW AND ORDER IN SOLOMON ISLANDS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the National Parliament of Solomon Islands.

THE FACILITATION OF INTERNATIONAL ASSISTANCE ACT 2003

(NO. 1 OF 2003)

ARRANGEMENT OF SECTIONS

SECTION

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PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT
2. INTERPRETATION
3. INTERNATIONAL ASSISTANCE NOTICE
4. MEMBERSHIP OF VISITING CONTINGENT
5. AREA OF APPLICATION OF ACT

PART II
POWERS AND PRIVILEGES OF VISITING CONTINGENT

6. POWERS AND PRIVILEGES MAY BE VARIED
7. USE OF FORCE AND POLICE POWERS
8. ELIGIBILITY FOR APPOINTMENT TO THE POLICE FORCE
9. CARRIAGE OF WEAPONS BY THE VISITING CONTINGENT
10. SEIZURE AND DESTRUCTION OF WEAPONS
11. FREEDOM OF MOVEMENT
12. ACCOMMODATION AND USE OF PUBLIC UTILITIES
13. WEARING OF NATIONAL UNIFORM
14. MEDICAL STAFF
15. ENTRY, DEPARTURE AND CUSTOMS
16. TAXATION
17. IMMUNITY FROM LEGAL PROCEEDINGS
18. DECEASED MEMBERS OF THE VISITING CONTINGENT
19. COMMAND AND CONTROL OF VISITING CONTINGENT

PART III
CONTROL OF WEAPONS

20. CONTROLLED WEAPONS AREA
21. WEAPONS SURRENDER AREA

PART IV
MISCELLANEOUS

22. REGULATIONS
23. REVIEW OF INTERNATIONAL ASSISTANCE NOTICE
24. ACT TO HAVE EFFECT NOTWITHSTANDING OTHER LEGISLATION.
25. EVIDENTIARY RULES

[illegible]

1. This Act may be cited as the Facilitation of International Assistance Act 2003, and shall come into operation on assent.

[illegible]

2. In this Act, unless the context otherwise requires –

"assistance agreement" means the assistance agreement identified in the international assistance notice under section (3(2);

"assisting country" means the assisting country identified in the international assistance notice under section 3(1)(a);

"international assistance notice" means the notice under section 3(1) that causes this Act to apply, as may be amended from time to time;

"public purpose" means the purposes of ensuring the security and safety of persons and property, maintaining supplies and services essential to the life of the community preventing and suppressing violence, intimidation and crime, maintaining law and order, supporting the administration of justice, supporting and developing Solomon Islands institutions and responding to natural catastrophic events; and

"visiting contingent" means the visiting contingent identified in the international assistance notice under section 3(1)(b).

[illegible]

3. (1) The Governor-General may publish a notice that –

(a) states that the Government has requested assistance of the government of another country (the "assisting country") for a public purpose;

(b) states that the assistance will be provided by a contingent of persons (the "visiting contingent") from the assisting country or another country; and

(c) states that, because of subsection (3), this Act applies in relation to the visiting contingent.

(2) The notice may specify an agreement or arrangement between the Government and the government of the assisting country that covers the operations and activities

in Solomon Islands of the visiting contingent (the "assistance agreement").

(3) The provisions of this Act apply on the making of a notice under subsection (1).

Membership of visiting contingent

4. (1) The visiting contingent shall consist of –

(a) members of the police forces or armed forces of the assisting country, or of another country notified by the assisting country to the Ministry responsible for foreign affairs and accepted by the Ministry; and

(b) other individuals notified by the assisting country to the Ministry responsible for foreign affairs.

(2) If the assisting country notifies the Ministry responsible for foreign affairs that specified members of the visiting contingent are not to be accorded specified powers or privileges under this Act, those members may not exercise those powers or privileges.

Area of application of Act

5. This Act applies to the territory of the Solomon Islands all areas where it exercises maritime jurisdiction, and the superjacent airspace.

PART II
POWERS AND PRIVILEGES OF VISITING CONTINGENT

Powers and privileges may be varied

6. The regulations may limit, vary or add to the powers and privileges set out in this Part, but not so as to limit the effect of sections 7, 15, 16, 17 and 19.

Use of force and police powers Cap. 116

7. (1) Armed forces and police members of the visiting contingent may exercise any powers that may be exercised by police officers appointed under the Police Act.

(2) In addition to the powers under subsection (1), armed forces and police members of the visiting contingent may use such force as is reasonably necessary to achieve a public purpose.

8

Eligibility for appointment to the Police Force

8. (1) A member of the visiting contingent shall be deemed to be eligible for appointment to any office in the Police Force (but the exercise by a member of powers under section 7 does not depend on such an appointment).

(2) Section 11 of the Police Act shall not apply to any person appointed to an office in the Police Force by reason of this section.

Carriage of weapons by the visiting contingent

9 Members of the visiting contingent may possess, carry and use arms in accordance with their internal orders or rules inorder to –

(a) protect themselves or the visiting contingent; or
(b) protect other persons; or
(c) protect property of the visiting contingent; or
(d) protect public or private property; or
(e) achieve a public purpose.

Seizure and destruction of weapons

10. (1) The visiting contingent may seize any weapons, as necessary for the achievement of a public purpose.

(2) The visiting contingent may, with the permission in writing of the Solomon Islands Commissioner of Police, destroy seized weapons.

(3) The visiting contingent shall, as far as practicable, record particulars of weapons seized or destroyed, including serial numbers (if applicable) and the dates and places of seizures or destruction, and the particulars of the persons from whom they were seized.

(4) In considering whether to give permission under subsection (2), the Commissioner shall take into account whether it is likely that the weapons will be required for production as evidence in ongoing criminal investigation or civil matters.

Freedom of movement

11 (1) Members of the visiting contingent, together with service vehicles, vessels, aircraft and equipment, shall enjoy freedom of movement throughout the area to which this Act applies.

(2) The visiting contingent may use roads, bridges, canals and other waters, port and airfield facilities without payment of dues.

tolls or any other charges or fees.

(3) Members of the visiting contingent may operate vehicles, vessels, aircraft and other equipment without a permit or licence.

(4) Vehicles, vessels, aircraft or other equipment provided and used by the visiting contingent shall not be subject to registration and licensing laws.

Accommodation and use of public utilities

12. (1) Members of the visiting contingent may use such premises, including facilities, as may be necessary for their accommodation while engaged in fulfilling a public purpose free of charge, unless otherwise negotiated.

(2) Members of the visiting contingent may use water, electricity and other public utilities free of charge, unless otherwise negotiated.

(3) The visiting contingent may generate, transmit and distribute electricity for its own use without being subject to regulation or licensing requirement and free of charge.

Wearing of national uniforms

13. Members of the visiting contingent may wear their national uniforms when on official duty.

Medical staff

14. Members of the visiting contingent who are medical, nursing or paramedic staff may treat members of the visiting contingent and other persons without being subject to regulation or licensing requirements.

Entry, departure and taxation

15. (1) Members of the visiting contingent shall be exempt from any visa laws and immigration inspection and restrictions when entering or departing from Solomon Islands.

(2) Members of the visiting contingent shall be exempted from departure tax.

(3) The visiting contingent may import into Solomon Islands without licence or other restriction or registration and free of customs, duties and taxes or any other charge that may be sought to

be levied, equipment (including vehicles and weapons) and other supplies required for a public purpose, together with personal effects of and items for the support of members of the visiting contingent.

(4) Any material belonging to an individual member of the visiting contingent that is imported under this section and later sold in Solomon Islands to a person other than those entitled to tax-free privileges shall be subject to customs and other duties at the time of its sale.

(5) Any material imported under this section may be re-exported without licence or other restriction or registration and free of customs, duties and taxes or any other charge that may be sought to be levied.

Taxation

16. Members of the visiting contingent shall be exempt from direct taxes, including income tax and death duties, and all other fees and charges.

Immunity from legal proceedings

17. (1) Members of the visiting contingent, the assisting country, and any other country whose personnel are members of the visiting contingent, shall have immunity from legal proceedings in Solomon Islands courts and tribunals in relation to actions of the visiting contingent or its members that are taken in the course of, or are incidental to, official duties.

(2) Criminal and disciplinary jurisdiction shall not be exercised over a member of the visiting contingent arising out of an action taking place in Solomon Islands if such jurisdiction is asserted over that member in respect of that action by a country referred to in section 3(1)(b).

(3) Where criminal and disciplinary jurisdiction has been exercised over a member of the visiting contingent arising out of an action taking place in Solomon Islands, that jurisdiction will be relinquished to a country referred to in section 3(1)(b) if that country asserts jurisdiction over that member in respect of that action.

(4) In this section, "legal proceedings" include criminal, civil, disciplinary and administrative proceedings, and proceedings seeking to enforce customary law.

(5) For this section, the Minister responsible for justice shall be deemed to have directed the Director for Public Prosecutions that he is to initiate no action with respect to members of the visiting contingent for actions referred to in subsections (1) and (2), unless the assisting country has expressly consented to the exercise of such jurisdiction.

(6) The assisting country may waive immunity granted by this section.

Deceased members of the visiting contingent

18. The visiting contingent may take charge of and repatriate the body of a member of the visiting contingent who dies in Solomon Islands.

Command and control of visiting Contingent

19. While respecting the laws of Solomon Islands, the visiting contingent shall have sole responsibility for the internal command, control, discipline and administration of the personnel of the visiting contingent.

PART III
CONTROL OF WEAPONS

Controlled weapons area

20. (1) The Governor-General may publish a notice that –

(a) declares an area in the territory of Solomon Islands to be controlled weapons area;

(b) states that members of the visiting contingent are permitted to carry weapons in the area;

(c) specifies other persons who are permitted to carry weapons in the area; and

(d) prohibits all other persons from carrying weapons in the area.

(2) A person who carries a weapon in a controlled weapons area while prohibited from doing so by a notice under subsection (1) shall be guilty of an offence and liable to a fine of $25,000 or imprisonment for 10 years, or both.

Weapons surrender area

21. (1) The Governor-General may publish a notice that –

(a) declares an area in the territory of Solomon Islands to be a weapons surrender area;

(b) states that members of the visiting contingent are permitted to possess weapons in the area;

(c) specifies other persons who are permitted to possess weapons in the area; and

(d) prohibits all other persons from possessing weapons in the area.

(2) A person who –

(a) is prohibited from possessing a weapon by a declaration under subsection (1); and

(b) is in, comes into, possession of a weapon; and

(c) fails to give the weapon, as soon as practicable, to a member of the visiting contingent shall be guilty of an offence and liable to a fine of $25,000 or imprisonment for 10 years, or both.

PART IV
MISCELLANEOUS

Regulations

22. (1) The Governor-General may make regulations providing for any matter which is necessary or convenient to give effect to this Act.

(2) Without limiting subsection (1) or section 6 the regulations may do the following –

(a) provide for the implementation of the assistance agreement, or of any other agreement or arrangement between the Government and the government of the assisting country that deals with the visiting contingent;

(b) authorise specified members of the visiting contingent in addition to those authorized by subsection 7(1) to exercise any powers that may be exercised by police officers appointed under the Police Act;

(c) provide that members of the visiting contingent may exercise powers, or perform functions, that can be exercised under a specified law or by suitably qualified or authorised persons; and

(d) provide that a specified law does not apply to members of the visiting contingent.

(3) In subsection (2), a reference to a law includes a reference to a provision of a law.

Review of international assistance notice

23. (1) The Parliament shall be given the opportunity to review the international assistance notice every 1 year in accordance with this section.

(2) For this section, the review dates of the international assistance notice are the following –

(a) the day 1 year after the day on which the notice was published; and

(b) the day each 1 year after that day.

(3) The international assistance notice, as currently amended, shall be laid before Parliament within the period of 3 months that ends on a review date, unless it is revoked earlier.

(4) If Parliament passes a resolution within 3 months after the review date, to the effect that the international assistance notice is annulled, the notice ceases to have effect from 21 days after the date of the resolution, but without affecting the validity of anything previously done under this Act because of the notice.

Act to have effect notwithstanding other legislation

24. (1) Subject to the Constitution, this Act and any regulations or other subsidiary legislation made under this Act shall have effect notwithstanding any other law of Solomon Islands.

(2) An Act enacted after the commencement of this Act is not to be interpreted as –

(a) amending or repealing, or otherwise altering the effect or operation of, this Act or subsidiary legislation made under this Act; or

(b) authorising the making of subsidiary legislation amending or repealing, or otherwise altering the effect or operation of, a provision of this Act or of the subsidiary legislation made under it.

(3) Subsection (2) does not affect the interpretation of an Act so far as that Act expressly provides for that Act, or subsidiary legislation made under that Act, to have effect despite this Act or despite subsidiary legislation made under this Act.

Evidentiary value

25. Every document purporting to be a regulation, order, rule, licence, permit, certificate, direction, authority or other document made, granted or issued by the Governor-General or any other authority or person under this Act or any subsidiary legislation authorised under this Act, and purporting to be signed by or on behalf of the Governor-General or that other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Governor-General or that authority or person.

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Annex III

AGREEMENT BETWEEN SOLOMON ISLANDS, AUSTRALIA, NEW ZEALAND, FIJI, PAPUA NEW GUINEA, SAMOA, AND TONGA CONCERNING THE OPERATIONS AND STATUS OF THE POLICE AND ARMED FORCES AND OTHER PERSONNEL DEPLOYED TO SOLOMON ISLANDS TO ASSIST IN THE RESTORATION OF LAW AND ORDER AND SECURITY

SOLOMON ISLANDS, AUSTRALIA, NEW ZEALAND, FIJI, PAPUA NEW GUINEA, SAMOA, AND TONGA

RECOGNISING the need for cooperation between members of the Pacific Islands Forum;

NOTING that deteriorating law and order and security in Solomon Islands poses a threat to good governance and economic prosperity of Solomon Islands;

NOTING FURTHER the requests for assistance in restoring law and order and security dated 4 July 2003 from the Governor-General of Solomon Islands acting on the advice of the Cabinet of Solomon Islands;

NOTING FURTHER the endorsement of the Ministers of Foreign Affairs of the Pacific Islands Forum on 30 June 2003, pursuant to the Biketawa Declaration, of the provision of a package of strengthened assistance to Solomon Islands, including a policing operation to restore law and order, supported as required by armed peace-keepers, and a program of assistance to strengthen the justice system and restore the economy and basic services,

ACKNOWLEDGING the need to assist the effective functioning of government, the restoration of confidence in law and order, and the economic recovery of Solomon Islands; and

NOTING FURTHER the desirability of establishing the agreed basis for the operations and status of police and armed forces and other personnel deployed to Solomon Islands;

HAVE AGREED as follows:

Article 1
Definitions

(a) "Area of Operations" means the territory of Solomon Islands, all areas where it exercises maritime jurisdiction, and the superjacent airspace.

(b) "Assisting Country" means Australia, New Zealand, Fiji, Papua New Guinea, Samoa, Tonga or such other State which, with the concurrence of the Parties to this Agreement, contributes personnel to the Visiting Contingent.

(c) "Participating Police Force" means police force and associated personnel of Australia, New Zealand, Fiji, Papua New Guinea, Samoa, Tonga and such

other State which, with the concurrence of the Parties to this Agreement, contributes such personnel to the Visiting Contingent.

(d) "Participating Armed Forces" means armed forces and associated personnel of Australia, New Zealand, Fiji, Papua New Guinea, Samoa, Tonga and such other State which, with the concurrence of the Parties to this Agreement, contributes such personnel to the Visiting Contingent.

(e) "Visiting Contingent" means a contingent of persons that consists of the Participating Police Force and the Participating Armed Forces and other personnel of the Assisting Countries or of other countries where those other personnel are notified to the ministry of the Government of Solomon Islands responsible for foreign affairs.

Article 2
Security Assistance

The Assisting Countries may deploy a Visiting Contingent of police forces, armed forces and other personnel to Solomon Islands to assist in the provision of security and safety to persons and property; maintain supplies and services essential to the life of the Solomon Islands community; prevent and suppress violence, intimidation and crime; support and develop Solomon Islands institutions; and generally to assist in the maintenance of law and order in Solomon Islands.

Article 3
Duration of Assistance

1. The Visiting Contingent may provide assistance as specified in Article 2 of this Agreement for such period as the Governments of Solomon Islands and the Assisting Countries mutually agree to be necessary to achieve the purpose of their deployment to the Area of Operations.

2. The Assisting Countries may at any time withdraw any or all of their members of the Visiting Contingent from the Area of Operations. A significant withdrawal of members of the Visiting Contingent, other than for the purpose of rotation, will only take place after consultation with the Government of Solomon Islands.

3. The Government of Solomon Islands may at any time in writing request withdrawal of the Visiting Contingent from the Area of Operations. On receipt of such written notice, the Visiting Contingent shall withdraw prior to the expiration of 3 months from the date of receipt of that notice.

Article 4
Command and Control of the Visiting Contingent

1. The head of the Visiting Contingent shall be a person nominated by the Government of Australia, in consultation with the Government of Solomon Islands. The head of the Visiting Contingent shall have responsibility, subject to any arrangements between Assisting Countries, for leading and managing the Visiting Contingent, and for related liaising with the Government of Solomon Islands and Assisting Countries.

2. While respecting the laws of Solomon Islands, the Visiting Contingent shall have sole responsibility for the internal command, control, discipline and administration of members of the Visiting Contingent.

3. The head of the Visiting Contingent may request an Assisting Country to withdraw any personnel contributed to the Visiting Contingent. The head of the Visiting Contingent shall give reasons for any such request and an Assisting Country shall comply forthwith with any such request.

Article 5
Status of Participating Police Force

1. The most senior Australian Police Officer of the Participating Police Force, shall be the head of the Participating Police Force, with responsibility for control of that Force. In exercising that control, the head of the Participating Police Force shall consult with the head of the Visiting Contingent.

2. The head of the Participating Police Force shall be appointed a Deputy Commissioner of the Solomon Islands Police Force. Other members of the Participating Police Force may be appointed to the Solomon Islands Police Force.

3. Members of the Participating Police Force appointed to the Solomon Islands Police Force shall not be required to make an oath or affirmation of allegiance.

4. (a) Members of the Participating Police Force are subject only to the orders of, and instructions from:

   i) the head of the Participating Police Force; and
   ii) where appointed to the Solomon Islands Police Force, the Commissioner of the Solomon Islands Police Force, in consultation with the head of the Participating Police Force

   (b) Subject to subparagraph (a)(ii), members of the Participating Police Force shall not be subject to the orders of or instructions from any other member of the Solomon Islands Police Force.

5. The Participating Police Force shall work co-operatively with the Government of Solomon Islands and its authorities, and consult with the Commissioner of the Solomon Islands Police Force, to achieve the purposes set out in Article 2.

6. Any tasks or orders carried out by members of the Participating Police Force shall be consistent with the laws, procedures and standards of conduct applicable to them in their own country.

7. The Participating Police Force shall not be subject to any regulations concerning the administration or discipline of the Solomon Islands Police Force, or to the jurisdiction of any Solomon Islands disciplinary authority, court or tribunal.

8. A member of the Participating Police Force shall exercise the powers, authorities and privileges exercised by members of the Solomon Islands Police Force, irrespective of whether that member has been appointed pursuant to paragraph 7.

9. In addition to the powers and authorities referred to in paragraph 8, the Participating Police Force may use such force as is reasonably necessary to achieve the purposes set out in Article 2.

10. Upon request made by a Police Commissioner of a country contributing personnel to the Participating Police Force, the application or implementation of this Article shall be the subject of consultations between the relevant Police Commissioners.

Article 6
Status of Participating Armed Forces

1. The most senior Australian Defence Force member of the Participating Armed Forces shall be the commander of those armed forces, with responsibility for the control of those Forces. In exercising that control, the commander shall consult with the head of the Visiting Contingent.

2. During the period of their assignment to the Visiting Contingent, members of the Participating Armed Forces shall remain under national command. Additional arrangements for command of members of the Participating Armed Forces may be made between the Assisting Countries separately.

3. The Participating Armed Forces shall work co-operatively with the Government of Solomon Islands and its authorities to achieve the purposes set out in Article 2.

4. Members of the Participating Armed Forces shall exercise the powers, authorities and privileges exercised by members of the Solomon Islands Police Force.

5. In addition to the powers and authorities referred to in paragraph 4, the Participating Armed Forces may use such force as is reasonably necessary to achieve the purposes set out in Article 2.

6. Upon request made by the national military commander of a country contributing personnel to the Participating Armed Forces, the application and implementation of this Article shall be the subject of consultations between the relevant national military commanders.

Article 7
Uniform and Carriage of Weapons

1. Members of the Visiting Contingent may wear their respective national uniform when on official duty in Solomon Islands.

2. Members of the Visiting Contingent may possess, carry and use arms in accordance with their internal orders or rules in order to protect themselves or the Visiting Contingent, other persons, property of the Visiting Contingent, public or private property, or to achieve any of the purposes set out in Article 2.

Article 8
Detention and Disarmament

1. Members of the Participating Armed Forces and Participating Police Force and other members of the Visiting Contingent appointed to the Solomon Islands Police Force may detain and disarm any person or persons who are committing or attempting to commit offences in relation to person or property. The detention and disarmament will be for fulfilment of the purposes set out in Article 2. Persons detained and disarmed shall be delivered to the appropriate authorities for the purpose of dealing with any such offence.

2. Members of the Participating Armed Forces, Participating Police Force and other members of the Visiting Contingent appointed to the Solomon Islands Police Force may take into custody any person they detain or disarm or who is not authorised to be on the premises of the Visiting Contingent provided in Article 17 in order to deliver him or her to the appropriate authorities.

Article 9
Seizure and Destruction of Weapons

1. The Visiting Contingent may seize any weapons and ammunition as necessary for the achievement of the purposes set out in Article 2.

2. The Visiting Contingent may, with the permission in writing of the Commissioner of the Solomon Islands Police Force, destroy such seized weapons and ammunition.

3. The Visiting Contingent shall, as far as is practicable, record particulars of weapons and ammunition, seized or destroyed, including serial numbers (if applicable) and the dates and places of seizure or destruction, and the particulars of the persons from which they were seized.

Article 10
Jurisdiction

1. The Visiting Contingent shall take all appropriate measures to ensure that the laws and regulations of Solomon Islands are observed and respected.

2. Members of the Visiting Contingent and the Assisting Countries shall have immunity from legal proceedings in Solomon Islands courts and tribunals in relation to actions of the Visiting Contingent or its members that are taken in the course of, or are incidental to, official duties. Legal proceedings for the purpose of this paragraph include criminal, civil, disciplinary and administrative proceedings, and proceedings seeking to enforce customary law.

3. Criminal and disciplinary jurisdiction shall not be exercised over a member of the Visiting Contingent arising out of an action taking place in Solomon Islands if such jurisdiction is asserted over that member in respect of that action by an Assisting Country.

4. Where criminal and disciplinary jurisdiction has been exercised over a member of the Visiting Contingent arising out of an action taking place in Solomon Islands, that jurisdiction will be relinquished to an Assisting Country if that country asserts jurisdiction over that member in respect of that action.

5. Where an Assisting Country asserts the jurisdiction referred to in paragraphs 3 and 4 over a member of the Visiting Contingent, that Assisting Country shall ensure that appropriate action is taken against that member consistent with its laws and practices.

6. An Assisting Country may waive immunity granted by paragraph 2 to that country or its personnel.

7. Where an Assisting Country waives the criminal or civil immunity of any of its personnel as provided in paragraph 2 or an Assisting Country asserts the jurisdiction referred to in paragraphs 3 and 4, the Assisting Country and Solomon Islands authorities shall assist each other in carrying out all necessary investigations into any offences alleged to have been committed by that member. Such investigations shall include the collection and production of evidence in relation to any alleged offence or offences committed by the member.

8. When so requested by head of the Visiting Contingent, the Solomon Islands authorities may take into custody any member of the Visiting Contingent, without subjecting them to any routine of arrest, in order immediately to

deliver them, together with any items seized, to the nearest appropriate authorities of the Visiting Contingent.

9. The Government of Solomon Islands, on receipt of a request from an Assisting Country, shall assist that country in relation to any criminal or internal disciplinary proceedings against a member of the Visiting Contingent.

Article 11
Discipline

Each Assisting Country shall take all appropriate measures to ensure the maintenance of discipline and good order among its members of the Visiting Contingent.

Article 12
Obligations under International Law

In giving effect to this Agreement, the Parties shall act in a manner consistent with their obligations under international law.

Article 13
Claims

1. Claims involving the Visiting Contingent arising in the Area of Operations shall be dealt with in accordance with this Article.

2. Each Party waives any claim against any of the other Parties in respect of:

   (a) loss of, or damage (including loss of use) to, property owned, hired or chartered by a Party and used by the Visiting Contingent;
   (b) maritime salvage of any vessel or cargo owned by a Party and used by the Visiting Contingent; and
   (c) personal injury or death suffered by any member of the Visiting Contingent

   which arises out of any act or omission of any member of the Visiting Contingent in the performance of official duties.

3. Solomon Islands waives any claims against any of the other Parties in respect of loss of, or damage to, any of its state property and the personal injury or death suffered by any person employed by or in the service of the Government of Solomon Islands.

4. The Parties shall consult on claims not otherwise covered by this Article.

Article 14
Entry and Departure

1. Solomon Islands authorities shall facilitate the entry into, and departure from, Solomon Islands of the Visiting Contingent. Members of the Visiting Contingent shall be exempt from visa laws and orders and immigration inspection and restrictions on entering into or departing from Solomon Islands. Members of Participating Armed Forces may enter into, and exit from, Solomon Islands on presentation of military identification issued by the relevant Participating Armed Forces. The Government of Solomon Islands shall grant all members of the Visiting Contingent exemption from departure tax.

2. Members of the Visiting Contingent shall be exempt from any laws and orders governing the residence of aliens in Solomon Islands, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Solomon Islands.

3. The Visiting Contingent may import into and export from Solomon Islands without licence, other restriction or registration and free of customs, duties and taxes, and inspection, any equipment (including vehicles, vessels and aircraft) and other supplies required by them for the purpose of their operations, together with personal effects of, and items for the personal consumption or use by, members of the Visiting Contingent. Any personal property imported duty free which is sold in Solomon Islands by members of the Visiting Contingent to persons other than those entitled to duty-free import privileges shall be subject to customs and other duties on its value at the time of sale.

Article 15
Freedom of Movement

Members of the Visiting Contingent together with service vehicles, vessels, aircraft, equipment and supplies shall enjoy freedom of movement throughout Solomon Islands.

Article 16
Transport and Financial Arrangements

1. The Visiting Contingent shall have the unimpeded right to the use of roads, bridges, canals and other waters, port and airfield facilities and airspace without payment of dues, tolls or other charges or fees throughout the area of operations.

2. Members of the Visiting Contingent may possess, store and operate vehicles, vessels, aircraft and other equipment, including medical equipment and supplies, without a permit or licence or restriction and free of duties, taxes and charges.

3. Vehicles, vessels, aircraft and other equipment, including medical equipment and supplies, provided and used by members of the Visiting Contingent shall not be subject to registration or licensing under the laws and regulations or orders of Solomon Islands.

4. The Assisting Countries shall be responsible for the salary, allowances, removal expenses, costs of transport to Solomon Islands, and medical and dental expenses of members of the Visiting Contingent.

5. Remittances between the Assisting Countries and Solomon Islands shall be freely allowed for:

   a) funds derived by members of the Visiting Contingent;

   b) funds derived by members of the Visiting Contingent from sources outside Solomon Islands, subject to any relevant laws, regulations or policies of the Assisting Countries;

   c) funds derived from the proceeds of sales of personal effects or other property used by members of the Visiting Contingent while serving in Solomon Islands which are disposed of in connection with their departure from Solomon Islands.

6. Members of the Visiting Contingent shall be exempt from taxation by the Government of Solomon Islands on their pay and other emoluments. They shall also be exempt from any other direct taxes (including death duties), fees and charges.

7. The Visiting Contingent may purchase locally produced goods and commodities that it requires in fulfilment of the purposes of Article 2 free of duties, taxes and charges.

Article 17
Accommodation and Facilities

1. The Visiting Contingent shall establish such areas for headquarters, camps, training areas, or other premises as may be necessary for the accommodation and to achieve the purposes set out in Article 2. Without prejudice to the fact that all such premises remain Solomon Islands territory, they will be inviolable and subject to the exclusive control and authority of the Visiting Contingent. The consent of the head of the Visiting Contingent shall be required for the entry into such premises by any person.

2. Subject to paragraph 3, the Assisting Countries shall cover the personal accommodation and transport costs of members of the Visiting Contingent.

3. Unless otherwise negotiated, the Government of Solomon Islands shall provide for members of the Visiting Contingent, free of charge, such premises

(including facilities and administrative support) as may be necessary for the accommodation and the fulfilment of the functions of the Visiting Contingent.

4. Unless otherwise negotiated, the Visiting Contingent shall have the right to the use of water, electricity and other public utilities free of charge.

5. The Visiting Contingent may generate, transmit and distribute electricity for its own use free of charge and without being subject to regulation or licensing requirements.

6. Where members of the Visiting Contingent are required to use vehicles, vessels, aircraft, or other equipment of the Government of Solomon Islands, in carrying out their duties, the use of those vehicles, vessels, aircraft and equipment shall be provided free of charge.

Article 18
Communications and Postal Services

1. The Visiting Contingent shall have the authority to install and operate radio and satellite sending and receiving stations to make direct contact with the Assisting Countries.

2. The Visiting Contingent shall enjoy the right of unrestricted communications by radio, television, telephone or any other means and of establishing the necessary facilities for maintaining such communications within and between premises of the Visiting Contingent, including the laying of cables and land lines and the establishment of fixed and mobile radio and satellite sending and receiving stations.

3. The Visiting Contingent may process and transport mail addressed to or sent from the Visiting Contingent or members of the Visiting Contingent. Solomon Islands shall not interfere with the mail of the Visiting Contingent.

Article 19
Health and Safety

1. Members of the Visiting Contingent who are medical, nursing or paramedic staff may treat members of the Visiting Contingent and other persons, including residents of Solomon Islands, as required without being subject to registration or licensing under the laws and regulations or orders of Solomon Islands.

2. The Government of Solomon Islands shall provide all practicable assistance to members of the Visiting Contingent in relation to health and safety issues that may arise.

3. The Visiting Contingent may take charge of, and repatriate, the body of a member of the Visiting Contingent who has died in Solomon Islands.

Article 20
Additional Matters

Any matter not covered by this Agreement shall be the subject of mutually acceptable arrangements made from time to time between the Parties.

Article 21
Supplemental Arrangements

Supplemental details for the carrying out of this Agreement shall be made as required between the Government of Solomon Islands and the Governments of the Assisting Countries.

Article 22
Consultations

Any matter arising under this Agreement with respect to its interpretation, application or implementation shall be settled by consultation or negotiation between the Parties and shall not be referred to any third party or tribunal for resolution.

Article 23
Variation and suspension

The Parties may agree to a variation or suspension of this Agreement or a part or parts thereof.

Article 24
Entry into Force and Duration

1. This Agreement shall be open for signature by Solomon Islands and the Assisting Countries.

2. Each Signatory shall notify the other in writing of the completion of the constitutional formalities by its laws for the entry into force of this Agreement. This Agreement shall enter into force on the date of the later of the two notifications by Solomon Islands, on one part, and any one of the Assisting Countries, on the other. The Agreement shall enter into force subsequently for each other Party on the date of notification by that Party.

3. Unless otherwise mutually agreed by the Parties, this Agreement shall expire on the complete withdrawal of the Visiting Contingent from the Area of Operations.

4. Expiry of this Agreement shall not affect any liabilities, rights and obligations arising out of the Agreement, and any immunity relating to actions taking place during the period of the Agreement.

5. This Agreement shall prevail over any existing agreement as between any of the Parties to this Agreement to the extent necessary to give effect to this Agreement.

Article 25
Depository

Australia shall be the depository for this Agreement.

IN WITNESS WHEREOF the undersigned being duly authorised by their respective Governments have signed this Agreement.

DONE at Townsville this twenty-fourth day of May two thousand and three

FOR SOLOMON ISLANDS

FOR AUSTRALIA

FOR NEW ZEALAND

FOR FIJI

FOR PAPUA NEW GUINEA

FOR SAMOA

FOR TONGA

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Security Council
Fifty-eighth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 8 August 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to a grave escalation of provocative cross-border attacks by the terrorist organization Hizbullah, which pose an imminent risk to the lives of civilians and the safety of communities in northern Israel. Accompanied by ever more virulent and vehement threats of terror, such attacks point to a serious threat posed by Hizbullah, with the support of Lebanon, Syria and Iran, to stability along the northern border.

This morning, 8 August 2003, Hizbullah terrorists opened a massive artillery attack on northern Israel. During two hours of shelling, mortars, missiles, Katyusha rockets and rounds from automatic weapons were fired across the Blue Line from Lebanon. Shells hit communities in Rosh Hanikra, on the north-west coast of Israel, and eastern positions in the Har Dov and Hermon regions, causing significant structural damage, and traumatizing the local residents. Shells also hit the towns of Masadeh and Majdal Shams, destroying homes in the area.

On Sunday, 3 August 2003, Hizbullah terrorists fired missiles across the Blue Line from Lebanon, injuring a civilian in the northern Israeli town of Even Menahem. These missiles also caused serious structural damage to a kindergarten and a home. All seven members of the resident family were treated for shock. Missile salvos also landed on a number of communities in the western Galilee area of Israel. It is only by sheer luck that the number of casualties from these acts of aggression was not higher.

This latest escalation in Hizbullah attacks confirms that the terrorist organization, and its sponsoring States, continue to seek to destabilize the region, despite Israel's withdrawal from South Lebanon over three years ago, in full and confirmed compliance with Security Council resolution 425 (1978). As Israel has repeatedly indicated in letters to the Secretary-General, and in meetings with United Nations officials, rather than agree to fulfil its obligations under the norms of international law and the provisions of resolutions 425 (1978), 426 (1978), 1310

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(2000), 1337 (2001) and 1373 (2001), which call for the restoration of international peace and security, the return of the effective authority of the Government of Lebanon in the south, and the prevention of cross-border terrorist attacks, the Government of Lebanon has effectively relinquished control of South Lebanon to the terrorist organization Hizbullah.

Hizbullah has proved itself, time and again, to be an enemy of peace, supporting and perpetrating terrorist activities worldwide. The organization is once again seeking to escalate tensions in the area of the Blue Line by purposefully and systematically carrying out numerous unprovoked cross-border attacks endangering both Israeli and Lebanese citizens, in clear violation of the Blue Line as established by the United Nations.

These incidents follow a series of malicious and aggressive statements issued by the leadership of Hizbullah, including Hassan Nasrallah, in recent weeks, inciting members of the organization to continue to perpetrate acts of terror against Israelis. In a statement on 27 June 2003, Nasrallah advocated tactics of blackmail to achieve his terrorist aims, warning that his group will resume the capture of Israelis. "I pledge to work day and night to have in (our) possession new Israeli captives", he added. This statement, together with Hizbullah's continuing support for and promotion of acts of global terrorism, serves to illustrate the violent nature of Hizbullah, and its continuing threat to the peace and security of the region.

The fact that this notorious terrorist organization, which brazenly advocates suicide terrorism against Western targets, and possesses a demonstrated record of terrorist activity, still enjoys public and express support, including the provision of funding, training and military assistance from the Governments of Lebanon, Syria and Iran, cannot be tolerated by the international community as it pursues its global campaign against terrorism. The steadfast refusal to suppress Hizbullah and to ensure effective control of the south as required by Security Council resolutions and international law is the cause of instability in the area, and risks causing a serious escalation of tensions in South Lebanon and in the greater Middle East.

In light of this ongoing and grave failure, Israel has no option but to take the necessary measures to protect its citizens, until Lebanon and Syria, the power broker and the occupying force in Lebanon, and whose representative is paradoxically this month's President of the Security Council, live up to their obligations as responsible members of the international community. Israel once again calls on the international community to expect no less than full compliance.

The present letter is a follow-up to previous letters concerning the dangerous situation in South Lebanon caused by the illegal attacks perpetrated by Hizbullah across the Blue Line.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 36 and 160, and of the Security Council.

(*Signed*) **Dan Gillerman**
Ambassador
Permanent Representative